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REPORT OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION*

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LETTER OF TRANSMITTAL

14 August 1992

Sir,

The year 1991-1992 has seen fearful sequences of killings deriving from discrimination based on race, colour, descent and national and ethnic origin in several regions of the world. As indicated in your report "An Agenda for Peace: diplomacy, peace-making and peace-keeping" (A/47/277), we have indeed entered into a time of global transition where the cohesion of States has been threatened by brutal ethnic strife and social peace has been challenged by new assertions of discrimination.

Against this background, the Committee on the Elimination of Racial Discrimination continues to be in the paradoxical situation of having to deal with a much increased workload while the time available for its meetings has been diminished, owing to the persistence of the financial problems resulting from the non-payment of the assessed contributions by a number of States parties. Thus, in 1992, the Committee was able to meet for only two weeks instead of the scheduled six weeks.

Members of the Committee are concerned that the contributions from State assessments may again be insufficient for meetings in 1993, pending the establishment of new procedures for funding its activities. The Committee hopes that, as a matter of urgency, transitional arrangements will be introduced to ensure the financing of its scheduled 1993 meetings.

Notwithstanding the short time available, the Committee at its forty-first session considered the situation in 21 States parties, as well as a number of communications under article 14, and had before it four possible general recommendations. It has continued its innovatory procedure for reviewing the implementation of the Convention in States whose reports are overdue. It has also continued to agree by consensus its concluding observations on State party reports. As indicated in the report, the Committee also responded to other developments, including an initiative directed to the Commission on Human Rights concerning the ethnic conflicts in the former Yugoslavia, and has made contributions to the World Conference on Human Rights, to the projected Third Decade to Combat Racism and Racial Discrimination, and to the process of improving the coordination of the human rights treaty monitoring bodies. However, owing to the lack of time it was not possible, inter alia, to consider petitions and other information relating to non-self-governing territories in accordance with article 15 of the Convention.

Mr. B. Boutros-Ghali
Secretary-General
United Nations Headquarters
New York

At its 956th meeting, held today, 14 August 1992, the Committee unanimously adopted its 1992 report in fulfilment of its obligations under the Convention; it is submitted to you herewith for transmission to the General Assembly at its forty-seventh session.

Accept, Sir, the assurances of my highest consideration.

(Signed) Luis VALENCIA RODRIGUEZ
Chairman
Committee on the Elimination
of Racial Discrimination

I. ORGANIZATIONAL AND RELATED MATTERS

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination

1. As at 14 August 1992, the closing date of the forty-first session of the Committee on the Elimination of Racial Discrimination, there were 132 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly in resolution 2106 A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966. The Convention entered into force on 4 January 1969 in accordance with the provisions of its article 19.

2. By the closing date of the forty-first session, 16 of the 132 States parties to the Convention had made the declaration envisaged in article 14, paragraph 1, of the Convention. Article 14 of the Convention entered into force on 3 December 1982, following the deposit with the Secretary-General of the tenth declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals who claim to be victims of a violation by the State party concerned of any of the rights set forth in the Convention. Lists of States parties to the Convention and of those which have made the declaration under article 14 are contained in annex I to the present report.

B. Sessions and agenda

3. The Committee normally holds two regular sessions annually of three weeks' duration each. The summer session, which had been scheduled to take place from 3 to 21 August 1992, was limited to a two-week session owing to the critical financial situation arising from the non-fulfilment by a number of States parties of their financial obligations under the Convention. The spring session, which had been scheduled to meet in Geneva from 2 to 20 March 1992, was also cancelled for the same reason. The forty-first (937th to 956th meetings) was held at the United Nations Office at Geneva from 3 to 14 August 1992.

4. The agenda of the session as adopted by the Committee is reproduced in annex II.

C. Membership and attendance

5. In accordance with the provisions of article 8 of the Convention, the States parties held their 14th meeting at United Nations Headquarters on 15 January 1992 1/ and elected nine members of the Committee from among the candidates nominated to replace those whose term of office was due to expire on 19 January 1992.

6. The list of members of the Committee for 1992-1993, including those elected or re-elected on 15 January 1992, is as follows:

Name of member	Country of nationality	Term expires on 19 January
Mr. Mamoud ABOUL-NASR	Egypt	1994
Mr. Hamzat AHMADU	Nigeria	1994
Mr. Michael Parker BANTON	United Kingdom	1994
Mr. Theodoor van BOVEN*	Netherlands	1996
Mr. Ion DIACONU*	Romania	1996
Mr. Eduardo FERRERO COSTA**	Peru	1996
Mr. Ivan GARVALOV**	Bulgaria	1996
Mr. Régis de GOUTTES	France	1994
Mr. George O. LAMPTEY	Ghana	1994
Mr. Carlos LECHUGA HEVIA	Cuba	1994
Mr. Yuri A. RECHETOV**	Russian Federation	1996
Mrs. Shanti SADIQ ALI**	India	1996
Mr. Agha SHAHI	Pakistan	1994
Mr. Michael E. SHERIFIS	Cyprus	1994
Mr. SONG Shuhua**	China	1996
Mr. Luis VALENCIA RODRIGUEZ*	Ecuador	1996
Mr. Rüdiger WOLFRUM	Germany	1994
Mr. Mario Jorge YUTZIS**	Argentina	1996

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* Elected on 15 January 1992.

** Re-elected on 15 January 1992.

7. All members of the Committee attended the session in its entirety, except for Mr. Sherifis, who attended from 10 to 14 August.

D. Solemn declaration

8. During early meetings of the forty-first session, those members of the Committee who were elected or re-elected by the 14th meeting of States parties made a solemn declaration in accordance with rule 14 of the rules of procedure of the Committee.

E. Election of officers

9. At its 938th meeting, held on 3 August 1992, the Committee elected the following officers for a term of two years (1992-1994), in accordance with article 10, paragraph 2, of the Convention:

Chairman: Mr. Luis VALENCIA RODRIGUEZ

Vice-Chairmen: Mr. Hamzat AHMADU
Mr. Ion DIACONU
Mrs. Shanti SADIQ ALI

Rapporteur: Mr. Michael Parker BANTON

F. Preparation and adoption of the report

10. During the adoption of the report, the Committee agreed to draw the attention of the General Assembly to a serious problem impeding the effective functioning of the Committee in recent years. In this connection, the Committee noted that it had taken new steps to review the implementation of the Convention by States which had been seriously in arrears in reporting, had been contributing to the discussions about the World Conference on Human Rights, had made proposals for a possible programme of action to follow the Second Decade to Combat Racism and Racial Discrimination and had considered an increasing number of communications under article 14 of the Convention. Thus, its work had been increasing but the time available for its meetings had been reduced. These and other tasks had created serious strains on the Committee's ability to carry out its work and on the preparation of its annual report.

G. Cooperation with the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization

11. In accordance with Committee decision 2 (VI) of 21 August 1972 concerning cooperation with the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), 2/ both organizations were invited to attend the sessions of the Committee, but did not do so.

12. At the forty-first session, the report of the ILO Committee of Experts on the Application of Conventions and Recommendations, submitted to the seventy-ninth session of the International Labour Conference, was made available to the members of the Committee on the Elimination of Racial Discrimination, in accordance with arrangements for cooperation between the two Committees. The Committee took note with appreciation of the report of the Committee of Experts, in particular of those sections which dealt with the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Indigenous and Tribal Populations Convention, 1957 (No. 107), as well as other information in the report relevant to its activities.

H. Letter to the Chairman of the Commission on Human Rights

13. At its 945th meeting, in view of the special session of the Commission on Human Rights, which was being convened to consider developments in the former Yugoslavia, the Committee approved a letter to the Chairman of the Commission (see annex VII).

II. ACTION BY THE GENERAL ASSEMBLY AT ITS FORTY-SIXTH SESSION

14. The Committee considered this agenda item at its 952nd meeting, held on 12 August 1992. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (A/46/503);

(b) Report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/46/447);

(c) Report of the Secretary-General examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies (A/46/650);

(d) Statement submitted by the Secretary-General on the programme budget implications of draft resolutions A/C.3/46/L.41 and A/C.3/46/L.42 and draft decision A/C.3/46/L.47 (A/C.3/46/L.66);

(e) Relevant summary records of the Third Committee (A/C.3/46/SRs.3-12, 20, 39-43, 49, 53 and 55);

(f) Reports of the Third Committee (A/46/718 and A/46/721 and Add.1);

(g) General Assembly resolutions 46/83 and 46/111 and decision 46/429;

(h) Note by the Secretary-General on the provision of sufficient resources to ensure the effective functioning of the Committee on the Elimination of Racial Discrimination (CERD/SP/43);

(i) Note by the Secretary-General on the consideration of the request for revision of article 8, paragraph 6, of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/SP/44);

(j) Summary record of the fourteenth meeting of the States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/SP/SR.22);

(k) Proposed amendment to article 8, paragraph 6, of the International Convention on the Elimination of All Forms of Racial Discrimination on arrangements for meeting the expenses of members of the Committee on the Elimination of Racial Discrimination while in performance of their duties (CERD/SP/1992/L.1).

A. Annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention

15. The Rapporteur of the Committee introduced sub-item (a) of this item and observed that in recent years the Committee had been concerned with improving

the quality of its dialogue with the General Assembly. To this end, it had included in the Chairman's letter when transmitting its 1991 report passages drawing attention to five features of its work during its thirty-ninth and fortieth sessions which it considered notable. Those were the following: the action taken by the Committee in respect of overdue reports; the Committee's decision on its sources of information; possible contributions of the Preparatory Committee for the World Conference on Human Rights and a possible third decade to combat racism and racial discrimination; and a joint meeting held by the Committee with the Subcommission on Prevention of Discrimination and Protection of Minorities.

16. The Rapporteur noted that the report of the Committee had been considered by the General Assembly at its forty-sixth session jointly with a number of other questions relating to the elimination of racism and racial discrimination and the right of peoples to self-determination. Additional views on the Committee and its work had been expressed during the consideration of the agenda item on the implementation of human rights instruments. Summarizing the discussion at the General Assembly, the rapporteur pointed out that a large number of delegations had expressed their concern over the financial situation of the Committee and the resulting cancellation of sessions. Strong support was expressed both for a short-term and a permanent, long-term solution to this problem. The constructive dialogue in the Committee during the consideration of country reports was welcomed, including the practice of appointing country rapporteurs, which allowed for even more focused discussion. The view had been expressed that the international community had agreed that monitoring of the implementation of human rights instruments did not constitute interference in internal affairs and that it would therefore be useful to introduce monitoring mechanisms in that sector similar to those governing the peaceful use of nuclear power. A number of delegations had welcomed the Committee's recent dialogue with the Subcommission on Prevention of Discrimination and Protection of Minorities and expressed support for closer coordination between the various United Nations human rights bodies. In this regard, one delegation suggested that the Committee's dialogue should be broadened to include the Working Group on Indigenous Populations. Finally, a number of delegations had expressed support for a possible third decade to combat racism and racial discrimination and for the consideration of racism and racial discrimination at the World Conference on Human Rights.

B. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

17. The Rapporteur of the Committee introduced sub-item (b) of this item and noted that issues relating to the effective implementation of human rights instruments and the effective functioning of the treaty bodies had been considered by the General Assembly at its forty-sixth session under the new agenda item on the implementation of human rights instruments.

18. Summarizing the discussion at the General Assembly on this issue, the Rapporteur said that several delegations had welcomed the publication of the reporting manual and the adoption by the treaty bodies of the consolidated reporting guidelines. The periodic scheduling of meetings of the persons

chairing human rights treaty bodies had been supported as essential to continuing efforts aimed at streamlining the reporting process and improving the effective functioning of the treaty body system. A number of delegations had expressed the view that the treaty bodies should be funded entirely from the regular budget and that additional staff be provided to service them. It had been suggested that the Committees should adopt new, more direct working methods and could encourage interaction among themselves and relevant non-governmental organizations. Support had been expressed, in particular, for increased interaction and information exchange among the treaty bodies themselves, the holding of joint meetings between human rights bodies and the establishment of a resource room in the Centre for Human Rights. Notable support had been expressed for computerization and the establishment of a database, which would be an important step forward in the effective functioning of the treaty bodies.

19. The Rapporteur noted that the view had been expressed that the submission of reports could be further simplified and rationalized by, for example, the consideration of multiple reports in order to assist States parties in complying with their obligations. The Rapporteur noted that the Committee had already followed this practice for many years. It had been pointed out at the General Assembly that the objective of the treaty bodies was not a successful review of implementation but a successful implementation of the recommendations of the review and that, to this end, effective follow-up was essential. The consideration of reports could be significantly improved in this regard if the Committees issued specific recommendations concerning legislative and other steps Governments could take in order to implement more effectively the instruments in question. Such recommendations should, where possible, be accompanied by offers of advisory services of the Centre for Human Rights.

20. A number of delegations at the General Assembly had expressed the view that the question of emergency humanitarian intervention should be examined closely with the aim of preventing human rights violations, reacting more quickly to pressing situations where lives are threatened and improving coordination within the United Nations system. In this connection, one delegation praised the vigilance and solidarity of the United Nations human rights bodies, which had enabled many lives to be saved, and the resulting world attention, which had been an invaluable moral support in the fight to restore democracy in some countries.

21. The Committee expressed its appreciation to the Rapporteur for his reports under this agenda item and took note of the relevant resolutions which had been adopted by the General Assembly at its forty-sixth session. The Committee regretted that a fuller consideration of this agenda item was not possible within the strict time constraints resulting from the cancellation of the Committee's spring session and the curtailment of the present session.

22. At its fortieth session, the Committee assigned a number of its members to be responsible for liaison with human rights treaty bodies as well as the Commission on Human Rights, the Subcommission on Prevention of Discrimination and the Protection of Minorities and the Parliament of the European Community and the Council of Europe. The principal task of those members was to follow the activities of the respective bodies and to keep the Committee informed of all developments relevant to its work. At its 954th meeting of its

forty-first session the Committee decided to continue this practice and requested that the following members act until 1994 as contact persons for the bodies concerned:

Committee on Economic, Social and Cultural Rights: Mr. van Boven

Human Rights Committee: Mr. Wolfrum

Committee on the Elimination of Discrimination against Women: Mr. Banton

Committee against Torture: Mr. Diaconu

Committee on the Rights of the Child: Mr. Lechuga Hevia

Group of Three: Mr. Ahmadu

Commission on Human Rights: Mr. Yutzis

Sub-Commission on Prevention of Discrimination and Protection of Minorities: Mr. Ferrero Costa

Working Group on Indigenous Populations: Mrs. Sadiq Ali

Parliament of the European Community and the Council of Europe: Mr. de Gouttes

World Conference on Human Rights

23. At its 953rd meeting, one of the Committee members, Mr. Agha Shahi, reported on developments at the first and second meetings of the Preparatory Committee of the World Conference on Human Rights, at which he was the Committee's representative. The Committee thanked Mr. Shahi for his remarks and requested him to continue to represent the Committee at the third and fourth sessions of the Preparatory Committee, which were scheduled to take place in Geneva in September 1992 and March 1993, respectively.

III. CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

A. Status of submission of reports by States parties

1. Reports received by the Committee

24. From the establishment of the Committee on the Elimination of Racial Discrimination until the closing date of its forty-first session (14 August 1992), a total of 1,192 reports under article 9, paragraph 1, of the Convention were due from States parties, as follows: 132 initial reports, 129 second periodic reports, 127 third periodic reports, 123 fourth periodic reports, 122 fifth periodic reports, 108 sixth periodic reports, 106 seventh periodic reports, 96 eighth periodic reports, 83 ninth periodic reports, 78 tenth periodic reports, 51 eleventh periodic reports and 37 twelfth periodic reports.

25. By the end of the forty-first session a total of 848 reports had been received by the Committee as follows: 121 initial reports, 111 second periodic reports, 108 third periodic reports, 101 fourth periodic reports, 92 fifth periodic reports, 83 sixth periodic reports, 75 seventh periodic reports, 63 eighth periodic reports, 49 ninth periodic reports, 32 tenth periodic reports, 10 eleventh periodic reports and 3 twelfth periodic reports.

26. In addition, 73 supplementary reports containing additional information were received from the States parties, submitted either on the initiative of the States parties concerned or at the request of the Committee following its examination of their respective initial or periodic reports under the Convention.

27. During the period under review, i.e., between the closing dates of the Committee's fortieth and forty-first sessions (24 August 1991 and 14 August 1992), 21 reports were received by the Committee: one third periodic report, one fourth periodic report, three fifth periodic reports, two sixth periodic reports, two seventh periodic reports, one eighth periodic report, three ninth periodic reports, four tenth periodic reports, one eleventh periodic report and three twelfth periodic reports.

28. The relevant information concerning all reports received during the period under review is contained in table 1 below.

29. As the information in table 1 shows, 20 of the 21 reports received during the period under review were not submitted on time or before the deadline provided for under article 9, paragraph 1, of the Convention. They were all submitted after a delay ranging from a few weeks to over several years.

Table 1. Reports received during the period under review (24 August 1991 to 14 August 1992)

State party	Type of report	Date on which the report was due	Date on which the report was submitted
Ukraine	Twelfth report	5 April 1992	19 July 1992
Poland	Twelfth report	5 January 1992	10 July 1992
Algeria	Tenth report	15 March 1992	16 April 1992
Ecuador	Twelfth report	5 January 1992	9 April 1992
Austria	Tenth report	8 June 1992	17 March 1992
Republic of Korea	Seventh report	4 January 1992	20 March 1992
Yemen	Tenth report	19 November 1991	10 March 1992
Chile	Tenth report	20 November 1990	15 January 1992
Maldives	Fourth report	24 May 1991	14 January 1992
Belgium	Eighth report	6 September 1990	28 October 1991
Bangladesh	Sixth report	11 July 1990	21 October 1991
Colombia	Fifth report	2 October 1990	24 August 1991

2. Reports not yet received by the Committee

30. By the closing date of the forty-first session of the Committee, 344 reports expected from 118 States parties before that date had not yet been received. They comprised 11 initial reports, 18 second periodic reports, 19 third periodic reports, 22 fourth periodic reports, 30 fifth periodic reports, 25 sixth periodic reports, 31 seventh periodic reports, 33 eighth periodic reports, 34 ninth periodic reports, 46 tenth periodic reports, 41 eleventh periodic reports and 34 twelfth periodic reports. In addition, one supplementary report requested by the Committee had not been received. Table 2 below provides the relevant information on these reports.

Table 2. Reports that were due before the closing date of the forty-first session (14 August 1992) but have not yet been received

State party	Type of report	Date on which the report was due	Number of reminders sent
Sierra Leone	Fourth report	5 January 1976	22
	Fifth report	5 January 1978	18
	Sixth report	5 January 1980	16
	Seventh report	5 January 1982	12
	Eighth report	5 January 1984	8
	Ninth report	5 January 1986	4
	Tenth report	5 January 1988	1
	Eleventh report	5 January 1990	1
	Twelfth report	5 January 1992	-
	Supplementary	31 March 1975	-
Swaziland	Fourth report	6 May 1976	23
	Fifth report	6 May 1978	19
	Sixth report	6 May 1980	17
	Seventh report	6 May 1982	11
	Eighth report	6 May 1984	7
	Ninth report	6 May 1986	2
	Tenth report	6 May 1988	1
	Eleventh report	6 May 1990	1
	Twelfth report	6 May 1992	-
Liberia	Initial report	5 December 1977	19
	Second report	5 December 1979	15
	Third report	5 December 1981	11
	Fourth report	5 December 1983	8
	Fifth report	5 December 1985	4
	Sixth report	5 December 1987	1
	Seventh report	5 December 1989	1
	Eighth report	5 December 1991	-
Guyana	Initial report	17 March 1978	19
	Second report	17 March 1980	15
	Third report	17 March 1982	11
	Fourth report	17 March 1984	8
	Fifth report	17 March 1986	4
	Sixth report	17 March 1988	1
	Seventh report	17 March 1990	1
	Eighth report	17 March 1992	-
Guinea	Second report	13 April 1980	15
	Third report	13 April 1982	11
	Fourth report	13 April 1984	7
	Fifth report	13 April 1986	2
	Sixth report	13 April 1988	1
	Seventh report	13 April 1990	1
	Eighth report	13 April 1992	-

State party	Type of report	Date on which the report was due	Number of reminders sent
Zaire	Third report	21 May 1981	13
	Fourth report	21 May 1983	9
	Fifth report	21 May 1985	5
	Sixth report	21 May 1987	2
	Seventh report	21 May 1989	1
	Eighth report	21 May 1991	-
Gambia	Second report	28 January 1982	12
	Third report	28 January 1984	8
	Fourth report	28 January 1986	4
	Fifth report	28 January 1988	1
	Sixth report	28 January 1990	1
	Seventh report	28 January 1992	-
Côte d'Ivoire	Fifth report	4 February 1982	12
	Sixth report	4 February 1984	8
	Seventh report	4 February 1986	4
	Eighth report	4 February 1988	1
	Ninth report	4 February 1990	1
	Tenth report	4 February 1992	-
Lebanon	Sixth report	12 December 1982	10
	Seventh report	12 December 1984	6
	Eighth report	12 December 1986	3
	Ninth report	12 December 1988	1
	Tenth report	12 December 1990	-
Gabon	Second report	30 March 1983	9
	Third report	30 March 1985	5
	Fourth report	30 March 1987	2
	Fifth report	30 March 1989	1
	Sixth report	30 March 1991	-
Togo	Sixth report	1 October 1983	8
	Seventh report	1 October 1985	4
	Eighth report	1 October 1987	1
	Ninth report	1 October 1989	1
	Tenth report	1 October 1991	-
Uganda	Second report	21 December 1983	8
	Third report	21 December 1985	4
	Fourth report	21 December 1987	1
	Fifth report	21 December 1989	1
	Sixth report	21 December 1991	-
Fiji	Sixth report	11 January 1984	7
	Seventh report	11 January 1986	3
	Eighth report	11 January 1988	1
	Ninth report	11 January 1990	1
	Tenth report	11 January 1992	-

State party	Type of report	Date on which the report was due	Number of reminders sent
Bahamas	Fifth report	5 August 1984	7
	Sixth report	5 August 1986	3
	Seventh report	5 August 1988	1
	Eighth report	5 August 1990	1
	Ninth report	5 August 1992	-
Somalia	Fifth report	27 September 1984	7
	Sixth report	27 September 1986	4
	Seventh report	27 September 1988	2
	Eighth report	27 September 1990	1
Cape Verde	Third report	2 November 1984	7
	Fourth report	2 November 1986	4
	Fifth report	2 November 1988	2
	Sixth report	2 November 1990	1
Lesotho	Seventh report	4 December 1984	7
	Eighth report	4 December 1986	4
	Ninth report	4 December 1988	2
	Tenth report	4 December 1990	1
Saint Vincent and the Grenadines	Second report	9 December 1984	7
	Third report	9 December 1986	4
	Fourth report	9 December 1988	2
	Fifth report	9 December 1990	1
El Salvador	Third report	30 December 1984	7
	Fourth report	30 December 1986	4
	Fifth report	30 December 1988	2
	Sixth report	30 December 1990	1
Papua New Guinea	Second report	26 February 1985	7
	Third report	26 February 1987	4
	Fourth report	26 February 1989	2
	Fifth report	26 February 1991	1
Zambia	Seventh report	5 March 1985	7
	Eighth report	5 March 1987	4
	Ninth report	5 March 1989	2
	Tenth report	5 March 1991	1
Suriname	Initial report	15 March 1985	7
	Second report	15 March 1987	4
	Third report	15 March 1989	2
	Fourth report	15 March 1991	1
Solomon Islands	Second report	17 March 1985	7
	Third report	17 March 1987	4
	Fourth report	17 March 1989	2
	Fifth report	17 March 1991	1

State party	Type of report	Date on which the report was due	Number of reminders sent
Botswana	Sixth report	22 March 1985	7
	Seventh report	22 March 1987	4
	Eighth report	22 March 1989	2
	Ninth report	22 March 1991	1
Lao People's Democratic Republic	Sixth report	24 March 1985	6
	Seventh report	24 March 1987	3
	Eighth report	24 March 1989	2
	Ninth report	24 March 1991	-
Viet Nam	Second report	9 July 1985	6
	Third report	9 July 1987	3
	Fourth report	9 July 1989	2
	Fifth report	9 July 1991	-
Burkina Faso	Sixth report	18 August 1985	6
	Seventh report	18 August 1987	2
	Eighth report	18 August 1989	2
	Ninth report	18 August 1991	-
Bolivia	Eighth report	21 October 1985	5
	Ninth report	21 October 1987	2
	Tenth report	21 October 1989	2
	Eleventh report	21 October 1991	-
Iran (Islamic Republic of)	Ninth report	5 January 1986	6
	Tenth report	5 January 1988	3
	Eleventh report	5 January 1990	3
	Twelfth report	5 January 1992	-
Tunisia	Ninth report	5 January 1986	6
	Tenth report	5 January 1988	3
	Eleventh report	5 January 1990	3
	Twelfth report	5 January 1992	-
Guatemala	Second report	17 February 1986	5
	Third report	17 February 1988	3
	Fourth report	17 February 1990	3
	Fifth report	17 February 1992	-
Central African Republic	Eighth report	14 April 1986	5
	Ninth report	14 April 1988	3
	Tenth report	14 April 1990	3
	Eleventh report	14 April 1992	-
Sudan	Fifth report	20 April 1986	5
	Sixth report	20 April 1988	3
	Seventh report	20 April 1990	3
	Eighth report	20 April 1992	-

State party	Type of report	Date on which the report was due	Number of reminders sent
Mozambique	Second report	18 May 1986	5
	Third report	18 May 1988	3
	Fourth report	18 May 1990	3
	Fifth report	18 May 1992	-
Jamaica	Eighth report	5 July 1986	5
	Ninth report	5 July 1988	3
	Tenth report	5 July 1990	3
	Eleventh report	5 July 1992	-
Afghanistan	Second report	5 August 1986	5
	Third report	5 August 1988	3
	Fourth report	5 August 1990	3
	Fifth report	5 August 1992	-
Chad	Fifth report	16 September 1986	4
	Sixth report	16 September 1988	3
	Seventh report	16 September 1990	2
Peru	Eighth report	30 October 1986	4
	Ninth report	30 October 1988	3
	Tenth report	30 October 1990	2
Trinidad and Tobago	Seventh report	4 November 1986	4
	Eighth report	4 November 1988	3
	Ninth report	4 November 1990	2
Cambodia	Second report	28 December 1986	4
	Third report	28 December 1988	3
	Fourth report	28 December 1990	2
Nicaragua	Fifth report	17 March 1987	4
	Sixth report	17 March 1989	3
	Seventh report	17 March 1991	2
Sri Lanka	Third report	20 March 1987	4
	Fourth report	20 March 1989	3
	Fifth report	20 March 1991	2
Mauritius	Eighth report	29 June 1987	4
	Ninth report	29 June 1989	3
	Tenth report	29 June 1991	1
United Arab Emirates	Seventh report	21 July 1987	3
	Eighth report	21 July 1989	3
	Ninth report	21 July 1991	1
Mali	Seventh report	15 August 1987	3
	Eighth report	15 August 1989	3
	Ninth report	15 August 1991	1

State party	Type of report	Date on which the report was due	Number of reminders sent
Romania	Ninth report	14 October 1987	3
	Tenth report	14 October 1989	3
	Eleventh report	14 October 1991	-
United Republic of Tanzania	Eighth report	26 November 1987	3
	Ninth report	26 November 1989	3
	Tenth report	26 November 1991	-
Barbados	Eighth report	10 December 1987	3
	Ninth report	10 December 1989	3
	Tenth report	10 December 1991	-
Brazil	Tenth report	5 January 1988	3
	Eleventh report	5 January 1990	3
	Twelfth report	5 January 1992	-
Iceland	Tenth report	5 January 1988	3
	Eleventh report	5 January 1990	3
	Twelfth report	5 January 1992	-
India	Tenth report	5 January 1988	3
	Eleventh report	5 January 1990	3
	Twelfth report	5 January 1992	-
Kuwait	Tenth report	5 January 1988	2
	Eleventh report	5 January 1990	2
	Twelfth report	5 January 1992	-
Nigeria	Tenth report	5 January 1988	3
	Eleventh report	5 January 1990	3
	Twelfth report	5 January 1992	-
Pakistan	Tenth report	5 January 1988	3
	Eleventh report	5 January 1990	3
	Twelfth report	5 January 1992	-
Panama	Tenth report	5 January 1988	3
	Eleventh report	5 January 1990	3
	Twelfth report	5 January 1992	-
Spain	Tenth report	5 January 1988	3
	Eleventh report	5 January 1990	3
	Twelfth report	5 January 1992	-
Venezuela	Tenth report	5 January 1988	3
	Eleventh report	5 January 1990	3
	Twelfth report	5 January 1992	-
Morocco	Ninth report	17 January 1988	3
	Tenth report	17 January 1990	3
	Eleventh report	17 January 1992	-

State party	Type of report	Date on which the report was due	Number of reminders sent
Nepal	Ninth report	1 March 1988	3
	Tenth report	1 March 1990	3
	Eleventh report	1 March 1992	-
Madagascar	Tenth report	8 March 1988	3
	Eleventh report	8 March 1990	3
	Twelfth report	8 March 1992	-
France	Ninth report	28 August 1988	1
	Tenth report	28 August 1990	1
Tonga	Ninth report	17 March 1989	1
	Tenth report	17 March 1991	1
Seychelles	Sixth report	6 April 1989	-
	Seventh report	6 April 1991	-
Senegal	Ninth report	18 May 1989	-
	Tenth report	18 May 1991	-
Luxembourg	Sixth report	1 June 1989	-
	Seventh report	1 June 1991	-
Ethiopia	Seventh report	25 July 1989	-
	Eighth report	25 July 1991	-
Congo	Initial report	10 August 1989	-
	Second report	10 August 1991	-
Norway	Tenth report	6 September 1989	-
	Eleventh report	6 September 1991	-
Antigua and Barbuda	Initial report	25 October 1989	-
	Second report	25 October 1991	-
Namibia 3/	Fourth report	11 December 1989	-
	Fifth report	11 December 1991	-
Argentina	Eleventh report	5 January 1990	-
	Twelfth report	5 January 1992	-
Cyprus	Eleventh report	5 January 1990	-
	Twelfth report	5 January 1992	-
Czech and Slovak Federal Republic	Eleventh report	5 January 1990	-
	Twelfth report	5 January 1992	-
Egypt	Eleventh report	5 January 1990	-
	Twelfth report	5 January 1992	-

State party	Type of report	Date on which the report was due	Number of reminders sent
Hungary	Eleventh report	5 January 1990	-
	Twelfth report	5 January 1992	-
Libyan Arab Jamahiriya	Eleventh report	5 January 1990	-
	Twelfth report	5 January 1992	-
Niger	Eleventh report	5 January 1990	-
	Twelfth report	5 January 1992	-
Philippines	Eleventh report	5 January 1990	-
	Twelfth report	5 January 1992	-
Yugoslavia	Eleventh report	5 January 1990	-
	Twelfth report	5 January 1992	-
Mauritania	Initial report	12 January 1990	-
	Second report	12 January 1992	-
Belarus	Eleventh report	7 May 1990	-
	Twelfth report	7 May 1992	-
Rwanda	Eighth report	16 May 1990	-
	Ninth report	16 May 1992	-
Holy See	Eleventh report	1 June 1990	-
	Twelfth report	1 June 1992	-
Germany	Eleventh report	14 June 1990	-
	Twelfth report	14 June 1992	-
Dominican Republic	Fourth report	24 June 1990	-
	Fifth report	24 June 1992	-
Malta	Tenth report	26 June 1990	-
	Eleventh report	26 June 1992	-
Cameroon	Tenth report	24 July 1990	-
	Eleventh report	24 July 1992	-
Mongolia	Eleventh report	4 September 1990	-
Burundi	Seventh report	26 November 1990	-
Denmark	Tenth report	8 January 1991	-
Netherlands	Tenth report	9 January 1991	-
China	Fifth report	28 January 1991	-
Italy	Eighth report	4 February 1991	-

State party	Type of report	Date on which the report was due	Number of reminders sent
Saint Lucia	Initial report	14 February 1991	-
Iraq	Eleventh report	15 February 1991	-
Cuba	Tenth report	16 March 1991	-
Bahrain	Initial report	26 April 1991	-
Jordan	Ninth report	30 June 1991	-
Finland	Eleventh report	16 August 1991	-
Qatar	Eighth report	22 August 1991	-
Portugal	Fifth report	23 September 1991	-
Canada	Eleventh report	12 November 1991	-
New Zealand	Tenth report	22 December 1991	-
Republic of Korea	Seventh report	4 January 1992	-
Bulgaria	Twelfth report	5 January 1992	-
Costa Rica	Twelfth report	5 January 1992	-
Ghana	Twelfth report	5 January 1992	-
Uruguay	Twelfth report	5 January 1992	-
Haiti	Tenth report	18 January 1992	-
Israel	Seventh report	2 February 1992	-
Russian Federation	Twelfth report	5 March 1992	-
Mexico	Ninth report	22 March 1992	-
United Kingdom of Great Britain and Northern Ireland	Twelfth report	5 April 1992	-
Syrian Arab Republic	Twelfth report	21 May 1992	-
Zimbabwe	Initial report	21 June 1992	-
Bangladesh	Seventh report	11 July 1992	-

3. Action taken by the Committee to ensure submission of reports by States parties

31. At its forty-first session, the Committee reviewed the question of delays and non-submission of reports by States parties in accordance with their obligations under article 9 of the Convention.

32. At its fortieth session, the Committee, having emphasized that the delays in reporting by States parties hampered it in monitoring implementation of the Convention, decided that it would continue to proceed with the review of the implementation of the provisions of the Convention by the States parties whose reports were excessively overdue. In accordance with a decision taken at its thirty-ninth session, the Committee agreed that this review would be based upon the last reports submitted by the State party concerned and their consideration by the Committee. Accordingly, a letter was addressed by the Chairman of the Committee to the Ministers for Foreign Affairs of 13 States parties (Somalia, Cape Verde, Lesotho, Saint Vincent and the Grenadines, El Salvador, Papua New Guinea, Zambia, Solomon Islands, Botswana, Lao People's Democratic Republic, Viet Nam, Burkina Faso and Bolivia), informing them of the decision taken by the Committee and inviting the Governments concerned to designate a representative to participate in the consideration of their respective reports. The Committee decided that this practice should be continued at its forty-second session and requested its Chairman to address a similar letter to an additional 12 States parties (Iran (Islamic Republic of), Tunisia, Guatemala, Central African Republic, Sudan, Mozambique, Jamaica, Afghanistan, Chad, Peru, Trinidad and Tobago and Cambodia) whose reports are excessively overdue. For the text of the letter, see annex VI.

33. The Committee further decided at its forty-first session to request the Secretary-General, in accordance with rule 66, paragraph 1, of the rules of procedure of the Committee, to continue sending appropriate reminders to States parties from which two or more reports were due but had not been received before the closing date of its forty-first session, asking them to submit their reports by 31 December 1992. The Committee agreed that the reminders to be sent by the Secretary-General should indicate that all overdue reports could be submitted in one consolidated document. (States parties whose reports are overdue are listed in table 2 above.)

34. In that connection, the Committee wished to recall once again that rule 66 of its rules of procedure provides that:

> "1. At each session, the Secretary-General shall notify the Committee of all cases of non-receipt of reports or additional information, as the case may be, provided for under article 9 of the Convention. The Committee, in such cases, may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of the report or additional information.
>
> "2. If, even after the reminder referred to in paragraph 1 of this rule, the State party does not submit the report or additional information required under article 9 of the Convention, the Committee shall include a reference to this effect in its annual report to the General Assembly."

35. The Committee also wished to repeat once again a statement that it made at its first session and that was communicated to all States parties and to the General Assembly:

> "The Committee attaches great importance to these reports. It is unanimously of the view that, being a principal source of information, these reports provide the Committee with an essential element for discharging one of its most important responsibilities, namely, reporting to the General Assembly of the United Nations under article 9, paragraph 2, of the Convention." 4/

B. Consideration of reports

36. At its forty-first session, the Committee considered 36 reports submitted by 18 States parties under article 9 of the Convention. The eleventh and twelfth periodic reports of Ecuador and the seventh periodic report of the Republic of Korea, which were initially scheduled for consideration at the forty-first session, were postponed to the forty-second session at the request of the Governments concerned.

37. The Committee devoted 14 of the 19 meetings held in 1992 to the discharge of its obligations under article 9 of the Convention.

38. In accordance with rule 64 of its rules of procedure, the Committee continued the practice, started at its sixth session, of requesting the Secretary-General to inform States parties concerned of the dates on which their respective reports would be considered by the Committee and inviting them to send representatives to participate in the examination of their respective reports.

39. At its fortieth session, the Committee initiated the practice of adopting concluding observations by the Committee as a whole on each report it considered. During the forty-first session, this practice was continued and the working methods of the Committee were further refined in order to maintain greater consistency in the texts adopted. Although significant progress was achieved in this regard, the Committee will continue at future sessions in its efforts to further improve its working methods.

Requests for further information under article 9, paragraph 1 of the Convention

40. At its 952nd meeting, the Committee decided to request further information by 1 March 1993 from two States parties, Burundi and Rwanda, where continuing ethnic conflict was a cause for concern. (For the Committee's decision in this matter, see section VII of the present report.) A similar decision was adopted by the Committee with regard to Papua New Guinea. During the review of the implementation of the Convention in that country, members of the Committee expressed concern over the situation on Bougainville. Consequently, the Committee, in accordance with article 9, paragraph 1, of the Convention, requested in its concluding observations on Papua New Guinea further information on the situation prevailing on Bougainville (see paras. 265 and 266 below).

Other action

41. At its forty-first session, the Committee continued to follow its practice of using country rapporteurs in the course of the examination of reports submitted by States parties (see annex III). This procedure had been decided upon at the thirty-sixth session, with a view to improving and streamlining the Committee's method of examining reports. The Committee considered that the system of country rapporteurs had reduced the time needed for the consideration of reports and had enhanced the dialogue with representatives of States parties. The Committee noted with satisfaction that it had developed a fruitful dialogue with representatives of reporting States present at its meetings and urged that all States parties should endeavour to send representatives when their reports were being examined.

42. As mentioned in paragraph 32 above, at its fortieth session, the Committee identified 13 States that were seriously in arrears in submitting periodic reports. A letter was sent to notify them that the Committee would review the implementation of the Convention in their countries on the basis of the last report submitted. Of the 13 States, five have permanent missions in Geneva. The Committee received communications from five of the States concerned: Bolivia, El Salvador, Somalia, Viet Nam and Zambia. In the cases of Bolivia, El Salvador and Zambia, the Committee agreed to a postponement until its forty-second session on the basis that these States parties would submit the outstanding reports by that time. In the case of Somalia (see paras. 224-227 below), the Committee agreed at its 949th meeting to a postponement until the situation in that country had been clarified. With regard to Viet Nam (see paras. 275-283 below), the Committee provided guidance on the preparation of that State's report, which was expected in 1993.

43. The following paragraphs, arranged on a country-by-country basis, contain summaries based on the records of the meetings at which the reports were considered. Further information is contained in the reports submitted by the States parties and in the summary records of the relevant meetings of the Committee.

Belgium

44. The fifth, sixth, seventh and eighth periodic reports of Belgium (CERD/C/194/Add.3) were considered by the Committee at its 939th, 940th and 950th meetings, held on 3, 4 and 11 August 1992 (see CERD/C/SR.939, 940 and 950).

45. The reports were introduced by the representative of the State party, who noted that there had been a number of legislative and constitutional reforms undertaken in Belgium since the submission of its last report. In this regard, the laws concerning the acquisition of nationality had been amended in July 1991 to extend automatically the Belgian nationality to children born in Belgium of parents who themselves were born in Belgium. Responsibility for matters concerning the entry and departure of foreigners has been shifted from the Ministry of Justice to the Ministry of the Interior. While regulations in these matters may appear to be discriminatory, equality of treatment lies at the base of all Belgian policies regarding aliens, who enjoy the same civil liberties as do Belgian citizens. This is in accordance with the obligations of Belgium under a number of international human rights instruments, including

the Convention. The highest court in Belgium, the Court of Cassation, has recognized the primacy of the provisions of these international instruments over domestic law even when the latter predate the former. The provisions of these instruments may be invoked by citizens and foreigners alike in judicial and administrative proceedings.

46. In regard to racism and racial discrimination, there were no ethnic minorities in Belgium other than immigrants, most of whom were either of Moroccan or Turkish origin. Both of these communities had been the object of discrimination, racism and xenophobia. For this reason, the Office of the Crown Commissioner had been created three years ago with the responsibility of examining the situation of immigrants in Belgium, with a view to proposing policy changes necessary for their protection and their insertion in society. The proposals of the Commissioner are reviewed by the Interministerial Conference on Immigration, which is presided over by the Prime Minister.

47. Members of the Committee expressed their appreciation for the large amount of information submitted by the Government of Belgium in its report. It was noted, however, that ongoing legislative reform was not a valid reason for the non-submission of reports by States parties. On the contrary, Governments undertaking such reforms should be reporting regularly to the Committee. It was also noted there had been little reference in the report to minorities which were not French- or Dutch-speaking, to the ways in which their rights were ensured or to the status of foreigners in Belgium who accounted for some 9 per cent of the work force. In particular, more demographic data relating to ethnic differences would be welcome in the next report, as well as greater information on complaints procedures for victims of racial discrimination, and upon the outcomes of such complaints.

48. With regard to article 1 of the Convention, members of the Committee pointed out that, in order to have a more accurate picture of the actual situation in Belgium, the Committee needed statistics on unemployment, delinquency and drug abuse rates among minority groups as compared with the rest of society. In regard to paragraph 4 of the article, information was requested on any special measures of "positive discrimination" undertaken to promote the equality of groups subject to racial discrimination. Clarification was requested as to the difference between the situation of foreigners from the European Community and those from other countries in regard to employment and standard of living.

49. Concerning article 2 of the Convention, members of the Committee wished to know how the provisions of the Convention had been integrated into national legislation and how they had been applied. Information was requested on integrationist and multicultural organizations in Belgium and how such organizations were being encouraged by the Government. Reference was made to the system of quotas regarding immigration and details were requested as to the number of persons refused entry into Belgium under this restriction. Information was requested concerning recourse procedures in cases of refusal of entry, and about the position of Zairian nationals.

50. Members of the Committee noted that there was no information contained in the report concerning article 3 of the Convention regarding racial segregation and apartheid. More information concerning the application of these provisions was requested.

51. With reference to article 4 of the Convention, members of the Committee wished to know whether those provisions of the Criminal Code dealing with acts of racism and xenophonia (arts. 151, 444 and 448) had been invoked in the courts and, if so, with what result. Reference was also made to the Act of 30 July 1981, which appeared to be incomplete with regard to article 4 of the Convention. Clarification was requested as to whether racist organizations were themselves considered illegal or if it were only the racist acts of their members that were prohibited. Members noted that the Government was inclined to limit free speech out of concern over racism and asked why similar restrictions on freedom of association were not applied in regard to racist organizations.

52. In respect of article 5 of the Convention, members of the Committee wished to know if there was a distinction between nationals of countries of the European Community and nationals of other countries in regard to voting rights in Belgium and access to posts in the administration. Further information was requested regarding the Act of 15 December 1980 and, in particular, restrictions on the exercise of the freedom of expression, assembly and association. Members wished to know on which grounds a professional identity card is accorded or refused to a migrant worker. How were persons protected against racial discrimination in matters relating to the choice of employment, equal pay, trade union rights and the right to housing? Members of the Committee also wished to have information on recent developments relating to the Technical Committee, described in paragraph 95 of the report, created to deal with matters concerning the appointment of Islamic teachers.

53. Concerning article 6 of the Convention, members of the Committee noted that of 1,269 complaints of racist and xenophobic acts that were filed with the authorities, there had been only 12 convictions. What were the factors behind such a low conviction rate? It was also pointed out that, as the protection against racial discrimination increased, the number of complaints of discrimination filed could also be expected to increase. Why was the number of such complaints filed annually in Belgium so low and decreasing even further? More detailed information on the jurisprudence in the area of racial discrimination was also requested.

54. With regard to article 7 of the Convention, members of the Committee wished to have information on the recommendations made by the Crown Commissioner's Office concerning education and housing. Clarification was requested as to whether the Government subsidized only Christian schools or if such support extended to Islamic schools as well. Members wished to know if training programmes had been developed for magistrates, police and other officials who deal with immigrants.

55. In his reply, the representative of the State party referred to questions of the members concerning the position of the Convention in Belgian law. In this regard, he explained that where it was clearly stated in the text of a treaty that a provision had direct effect, then such provisions were considered "self-sufficient" in Belgian law and could be invoked before any Belgian court. However, where there was no such indication, direct applicability was a question for the courts to determine. Most of the provisions of the Convention with which the Committee was concerned were not "self-sufficient" and thus the Belgian legislature had to take certain

measures to give them direct effect. One such measure had been the 1981 Act on the prevention of acts of racism and xenophobia, which had been discussed in the present report under consideration by the Committee.

56. The representative pointed out that the Belgian system was based on the fundamental concept of "linguistic territories", of which there were four: the Flemish, Walloon, German-speaking and bilingual territories. In response to questions about the German-language community, there were 64,000 German-speaking Belgian nationals out of the country's total population of some 10 million. Belgium, however, did not recognize minorities as such, as the communities had equivalent powers and mechanisms. In this regard, there were three regions: the Flemish region, the Walloon Region and the Brussels Capital Region, which was bilingual. These entities had their mechanisms similar to those operating at the national level with an executive power, a legislative power and a certain degree of financial autonomy. It was in the frontier areas between those linguistic territories where problems might arise and it was there that a special arrangement had been divised to ease or facilitate transition and adaptation from one territory to another.

57. Associations representing particular groups could, of course, be formed and were encouraged, even receiving subsidies in many cases. The general emphasis in Belgium, given the present trend towards a multicultural society, was to encourage individual integration into a community. In more general terms, Belgium would have no problem in ratifying an international convention on minorities, especially since the terminology proposed referred to individuals belonging to minorities.

58. Regarding the status in Belgium of nationals of European Community countries as compared to nationals of other States, that was a matter determined by the relevant provisions of the Treaty of Rome and the Treaty of Maastricht. Under the former, the right of workers to freedom of movement was recognized only for nationals of the European Community, whereas the latter applied the same principle regarding the right to vote and to stand for election. In the representative's view, such differential treatment did not constitute discrimination but rather was justified by the need to further the objective of European integration.

59. Concerning political, social and economic rights, discrimination was now practically non-existent. Previously, there had been some discrimination regarding social security benefits against Turkish and Moroccan nationals who had lived in Belgium for most of their lives, but now that discrepancy had been remedied. Aliens enjoyed exactly the same rights as Belgians where participation in trade-union activities was concerned. With respect to education, there were unfortunately some schools attended primarily or even exclusively by non-Belgians, as a result of a concentration of foreign residents in the areas concerned. Steps had been taken in recent years to improve the situation by promoting educational opportunity and improved teacher training. Additionally, there was at present one subsidized Islamic school, a nursery school, and it was expected that the number would increase in the future.

60. On the subject of the appointment of a Crown Commissioner for Immigration and the creation of a national centre for racial equality, a draft law had already been through a first reading and it was hoped that the centre would

begin operation in 1993. It would be responsible for research and documentation and was to provide advice and make recommendations to the authorities on the application of the 1981 Act on the prevention of acts of racism and xenophobia, as well as other means of action against all forms of racial discrimination. It was to be directly accountable to the Office of the Prime Minister, to which it would be required to report annually, and would also help prepare the report to the Committee on the Elimination of Racial Discrimination.

61. With regard to discrimination against asylum-seekers at the border, frontier customs officials and law enforcement agents had no decision-making powers: their function was simply to take note of applications and to transmit them to authorities. It was true that complaints had been made to the Belgian Government of discriminatory treatment by certain frontier officials and an inquiry was now under way. In the meantime, steps had been taken to improve the training of such officials so that their role was more clearly defined. Between 1988 and 1991, Zairian nationals had accounted for between 8 and 13 per cent of all asylum-seekers. They were accorded the same treatment as asylum-seekers of other non-European Community States, but in view of events that had taken place in the country in 1991-1992, the Belgian Government had decided to suspend any removal measures against Zairian nationals pending clarification of the situation. In 1991, there had been almost 14,000 Zairian nationals resident in Belgium, representing only 1.5 per cent of the total resident foreign population.

62. In regard to article 4, the intent of the 1981 Act was not to eliminate but rather to punish acts of incitement to racial hatred and violence. The Act was very broad in scope so as to empower the judiciary to deal with all situations referred to it. At the same time, freedom of expression was sacred in Belgium and was enshrined in the Constitution and great caution had to be exercised in allowing any derogation from that principle. The Act thus contained stringent requirements as to proof of racist or xenophobic actions and stipulated that the actions in question were necessarily carried out in public. A Senate proposal to amend the 1981 Act had been introduced at the beginning of 1992, with a view to making it more effective by imposing stricter penalties, making the refusal to allow occupation of a dwelling a punishable offence, including broader provisions for prosecution in the event of discriminatory offers of services or publicity and new provisions concerning the refusal to employ or the decision to dismiss a person on grounds of race, colour, origin, etc. It should be noted that in all cases proof of racist intention must be adduced.

63. In regard to associations manifestly and repeatedly promoting or inciting racial discrimination, proof of intention was required. Legal proceedings could be brought against actual persons, as opposed to legal entities, the intent of the legislation being to undermine the existence of such associations through actions against individual members guilty of racist acts or incitement. Additionally, various racist and paramilitary associations had been dissolved and individuals convicted under a separate law dating back to 1934.

64. With reference to article 14 of the Convention, and in particular, paragraphs 1 and 2 thereof, Belgium had shown its willingness to respond positively by initiating admittedly lengthy procedures for incorporating those provisions in legislation. It was pointed out that the European Community itself provided individuals with a variety of remedies in the event of grievance, and that complainants had recourse to the European Commission on Human Rights.

Concluding observations

65. The Committee noted with great interest the major constitutional and legislative reforms adopted in Belgium which have introduced positive changes in relations between the French-speaking and Dutch-speaking communities. Nevertheless, it requested Belgium, in its next periodic report, to provide further information on the German-speaking community and other minorities with Belgian nationality. In this regard, more demographic data were needed, together with information on the measures and policies designed to ensure the exercise of human rights by these minorities on an equal footing with the majority communities.

66. The Committee gave consideration to the Act of 30 July 1981 for the suppression of certain acts based on racism and was of the view that, while it represented progress in the campaign to combat racial discrimination in Belgium, the scope of the Act was too limited and thus was not complying fully with the provisions of article 4 of the Convention. The Committee also requested further substantive information on complaints lodged with the courts in connection with the implementation of the Act, and on the existence of groups currently promoting racial discrimination.

67. The Committee also accorded special attention to the situation of aliens resident in Belgium and asked for further information on the exercise by such persons of the rights referred to in article 5 of the Convention on an equal footing with Belgian nationals, with special reference to the employment conditions of immigrant workers, which were of concern to the Committee.

68. The Committee hoped that the next periodic report would be submitted in good time.

Maldives

69. The third and fourth periodic reports of Maldives, combined in a single document (CERD/C/203/Add.1), were considered by the Committee at its 944th and 950th meetings, held on 6 and 11 August 1992 (see CERD/C/SR.944 and 950).

70. The Committee, while welcoming the report as an indication of the willingness of Maldives to continue its dialogue with the Committee, regretted the absence of a Government representative to present the report during its consideration by the Committee. Members also expressed regret that the report had not taken into account the Committee's guidelines for the preparation of reports.

71. Members of the Committee recalled that on the occasion of the consideration of the previous report, information had been requested on the implementation by Maldives of the provisions of articles 2, 4, 5, 6 and 7 of the Convention. Information had also been sought on the possibility to invoke the Convention before the Courts, and on the role of immigration in the considerable increase in population. The Committee had also asked whether there had been a review of laws and regulations in order to amend or delete any discriminatory provision.

72. Members of the Committee expressed disagreement with the Government's view that it was unnecessary to enact specific legislation to implement the provisions of the Covenant and stressed the obligations of the States parties to adopt relevant legislative and other measures to give effect to those provisions.

Concluding observations

73. In concluding the review, the Committee regretted that the Maldives had not been able to respond to its invitation to participate in its meeting and to furnish relevant information. The Committee wished to draw the attention of the State party to the possibility of requesting technical assistance from the United Nations Centre for Human Rights in the preparation of its reports. It hoped to receive a new report shortly.

74. The Committee noted that Maldives had stated that, since no forms of discrimination existed in the country, specific legislation was not required. Calling the attention of the State party to the Committee's General Recommendation I, the Committee reiterated that that is not a legally defensible interpretation of the obligations that a State assumes on acceding to the Convention.

Greece

75. The eighth, ninth, tenth and eleventh periodic reports of Greece, submitted in one document (CERD/C/210/Add.1), were considered by the Committee at its 940th, 941st and 950th meetings, held on 4 and 11 August 1992 (see CERD/C/SR.940, 941 and 950).

76. The reports were introduced by the representative of the State party who drew attention to article 28, paragraph 1, of the Constitution which affirmed that the international instruments to which Greece was a party not only formed part of the law of the land, but took precedence over domestic legislation. In the event of a conflict, a judge must apply the relevant international provisions. A legal framework thus existed under which violations of the Convention were treated as criminal offences. However, as Greek society was traditionally tolerant towards other races and groups, no complaints of discrimination had been submitted to the national courts. Greece had ratified most international conventions prohibiting discriminatory behaviour and was in the process of establishing a separate administrative body to deal with human rights in general. With the help of this new body, Greece would be able to expedite the submission of its reports. Since 1985, Greece had accepted an individual's right to appeal to the European Commission of Human Rights, but few complaints had been brought before the Commission.

77. With respect to South Africa and sanctions against that country, Greece had ensured that its domestic legislation complied with Security Council resolutions. Similarly, as a member of the European Community, Greece had fully complied with all action taken with respect to South Africa.

78. Members of the Committee welcomed the report of Greece but noted that it was inadequate in some respects. The information provided on judicial and administrative measures was limited and the information on the demographic composition of the population was not complete. Additionally, members of the Committee wished to know if the Convention had been used as a basis for modifying domestic law or whether it was applied directly. It was pointed out that there was no State which could claim an absence of problems arising from racial discrimination.

79. Regarding article 1 of the Convention, members of the Committee requested further information on the ethnic composition of Greece, in particular, on the proportion of the total population the Turkish, Pomak and Gypsy communities represented and their birth and mortality rates. Additional information was requested on the situation of Albanian and Macedonian groups in Greece. Observing that Greek citizens studying or working abroad were threatened with the loss of their nationality, members of the Committee wished to know how many Greek nationals of non-Greek origin had lost their nationality in this way.

80. Concerning article 2 of the Convention, members of the Committee wished to know how many foreigners were living in Greece and what their status was under Greek law; if there were Yugoslavian and Albanian refugees living in Greece and what their status was; and whether all refugees arriving at the border were accorded equal treatment.

81. With reference to article 4 of the Convention, members of the Committee wished to know whether any cases had been decided under article 192 of the Penal Code, which provided for a term of imprisonment for anyone disturbing the public peace by fomenting violence and division among citizens; whether any organizations pursuing racist or discriminatory goals had been dissolved; and how many times Act No. 927/1979 had been invoked in court and with what result.

82. Members of the Committee requested more detailed information on measures undertaken to implement the provisions of article 5 of the Convention. In particular, members wished to have further information on the situation of the Muslim minority, 50 per cent of whom were of Turkish ethnic origin, especially in regard to allegations of discrimination against them; on reports that most Turkish associations in western Thrace had remained closed following a High Court decision in 1988 ruling that the use of the term "Turkish" to describe Greek Muslims endangered public order; on the number and type of schools where Turkish was taught; on restrictions on freedom of movement and residence in western Thrace, particularly in regard to the Pomaks and members of the Turkish minority; on complaints that property was frequently confiscated from Turkish Greeks but rarely from other Greeks; on whether there were any political parties in Greece which were based on ethnic identification; on the number of members of Parliament who were from minority groups; whether instruction was provided in primary and secondary schools for minority groups

in their own language; and if the Macedonian language was recognized by the Greek authorities or merely considered as a dialect.

83. In regard to article 6 of the Convention, members of the Committee wished to know if any complaints of discrimination had been considered in the courts; whether article 57 of the Civil Code protecting the reputation of individuals had been applied narrowly; and if the Government of Greece was actively considering making a declaration under article 14 of the Convention.

84. With respect to article 7 of the Convention, members of the Committee wished to know if the provisions of the Convention were included in any university-level programme of study.

85. In his reply, the representative of the State party declared that Greece was particularly sensitive to the problems of minorities due, in part, to the fact that there were Greek minorities in many parts of the world. It was for this reason that there had been no complaint filed with the Attorney General under Act No. 927/1979 concerning discrimination. Of the Muslim community living in western Thrace, which numbered between 110,000 and 115,000 individuals, only a small minority agitated for secession from the country. The region had long been underdeveloped but a number of important initiatives had been undertaken favouring the Muslim minority with a view to improving their situation. In regard to the expropriation of property by the State, only 18 per cent of those who had been affected were Muslim and no complaints had been submitted to the Courts. With reference to reports of incidents in Komotini, western Thrace in 1990, these problems were not racial in character but involved instead members of the same community.

86. With respect to questions concerning Albanians in Greece, the term "minority" was not necessarily appropriate to describe the actual situation since there was only a small number of Albanian families scattered throughout the country. Concerning the question of Macedonia, it was important to recall that this was a region divided among Greece, Bulgaria and the former State of Yugoslavia. There was no distinct Macedonian ethnicity, which was only an idea invented by Marshall Tito. There was, therefore, no Macedonian minority in Greece but rather only some citizens who speak a language very similar to Bulgarian.

87. In regard to a possible declaration by his Government, under article 14, the representative informed the Committee that steps were being taken to create a service which would be responsible for all petitions presented pursuant to international instruments.

88. In conclusion, the representative assured the Committee that questions raised during the discussion which he had not answered would be addressed in his country's next report to the Committee.

Concluding observations

89. The Committee expressed its appreciation that, after an interval of six years, the Government of Greece had renewed the dialogue with the Committee by filing its eleventh report which contained the eighth to tenth reports.

90. In considering the report it was noted by the Committee that the Greek legal order is in accordance with article 4 of the Convention. The Committee, however, also noted an absence of information about judicial proceedings in which the respective provisions of the Greek criminal law had been invoked.

91. In order to determine whether the social differentiation of Muslims, Pomaks, Gypsies, Armenians and others, especially but not solely in western Thrace, had the effect of impairing the human rights and fundamental freedoms of members of those groups, the Committee called upon the Greek Government to include in its next periodic report information on the economic, social and cultural circumstances of these groups, bearing in mind the Committee's General Recommendation VIII regarding the criteria for the identification of ethnic groups, according to which the identification of individuals as members of a racial or ethnic group should be based upon self-identification by the individual concerned.

92. Bearing in mind the provision of article 2 (1) (c) of the Convention, the Committee called upon the Government of Greece to revise its Nationality Act as far as it differentiated between ethnic Greeks and non-ethnic Greeks, together with any legal or administrative practices which relied on such a distinction.

Costa Rica

93. The tenth and eleventh periodic reports of Costa Rica, submitted in one document (CERD/C/197/Add.8), were considered by the Committee at its 941st, 942nd and 951st meetings, held on 4, 5 and 11 August 1992 (see CERD/C/SR.941, 942 and 951).

94. The reports were introduced by the representative of the State party, who pointed out that Costa Rica had been one of the first States to ratify the Convention. Costa Rica subsequently became a party to almost all of the United Nations human rights instruments and did its utmost to fulfil the reporting obligations these ratifications entailed. Additionally, Costa Rica had ratified a number of ILO conventions that were relevant to the work of the Committee; namely, Convention number 169 concerning indigenous populations, number 111 on discrimination in employment and number 100 on equal pay.

95. Regarding a reported clash near Talamanca in February 1992 between an indigenous group and the police in which two persons had died, an official investigation had been undertaken. Initially, all of the twelve members of the police who were involved had been suspended from their duties and detained and three of them were still in prison at the present time awaiting judicial action.

96. At the international level, Costa Rica had categorically condemned apartheid. Since 1967, it had prohibited all commercial relations with South Africa and, in 1986, diplomatic relations with the Government of South Africa were broken off. Additionally, Costa Rica had not recognized the bantustans and had condemned the occupation of Namibia.

97. Members of the Committee welcomed the report of Costa Rica, which included information on a number of questions that had been raised at the consideration of its last report before the Committee. Members pointed out, however, that the report did not conform to the Committee's guidelines and included information on certain issues which did not concern the Committee. The report also did not contain sufficiently detailed statistical information on the number of individuals belonging to various minority and indigenous groups. In this regard, the Committee requested information on such indicators as the rates for each group concerning unemployment, illiteracy, arrest, imprisonment, alcoholism, prostitution and suicide, as well as non-integration.

98. Members of the Committee noted with surprise that the general estimate of indigenous persons living in the reservations had changed significantly since Costa Rica's previous report. They also felt that other basic information covering the economic situation and measures undertaken to improve the situation of the least-favoured groups, particularly since the election of the new President, should have been provided in the report.

99. In regard to article 2 of the Convention, members of the Committee wished to know what measures had been undertaken to improve the situation of the black minority; what means of action the National Indigenous Affairs Commission had at its disposal; what measures had been taken with respect to ensuring the land rights of indigenous groups; what factors and difficulties had been encountered in ensuring the rights of the indigenous groups under the

Convention; and whether the Government was considering updating the Labour Code of 1943. Members also requested information on the impact of deforestation in Boruca on the Indians living there; whether the indigenous population had been consulted before the Costa Rican Petroleum Refining Company had entered its region and drilled for two years; and whether Indians had the same opportunity as other Costa Ricans to obtain compensation for environmental damages or the restoration of the damaged land.

100. Concerning article 4 of the Convention, members of the Committee wished to have further information on whether the publishing of racist propaganda or participation in racist organizations were activities specifically prohibited and punishable by law. Noting that the penalties established in article 385 of the Penal Code regarding the incitement to racial violence were relatively weak, members wished to know how serious such a crime was considered.

101. With reference to article 5 of the Convention, members of the Committee wished to know what percentage of the Indians and the Blacks participated in elections; at what levels and in what numbers Indians and Blacks were represented in the Government; whether Indians living on reservations fully enjoyed freedom of movement; how the right to property was exercised by Indians living in the reserves; what alternatives existed for Indians who were dissatisfied with the services of the national Indigenous Affairs Commission; how the right to nationality was ensured to Indians; and how the right to religious freedom was exercised in respect to indigenous and minority groups. Noting that previously Indians had had only temporary residence permits, it was asked how the Government was proceeding with plans to issue identity cards, particularly in cases of indigenous individuals who neither spoke Spanish nor knew their dates of birth. In reference to paragraph 67 of the report, members requested further information regarding the abuses cited, the criteria for the distribution of land and how the distribution had improved the situation of the Indians who were affected.

102. In connection with article 6 of the Convention, members of the Committee wished to know: what measures of recourse and remedy were available to Indians in case of violation of their rights; how many complaints of discrimination had been filed and how many judgements had resulted in conviction; what percentage of complaints had been filed by Indians, by Blacks and by refugees; and what measures had been undertaken to make the population, indigenous and otherwise, aware of their right to petition under article 14 of the Convention.

103. Regarding article 7 of the Convention, members of the Committee wished to have further information on: the role of the National Indigenous Affairs Commission in regard to cultural heritage; the number and types of schools attended by indigenous individuals; the level of educational attainment by Indians; any television, radio or video programmes that had been produced in local Indian languages; and measures taken to protect the cultural property of indigenous groups.

104. In his reply, the representative of the State party pointed out that the purpose of reservations was not to confine the indigenous population in any way but rather to ensure that collective land ownership by the indigenous groups would be maintained. Consequently, each indigenous family on a reservation had its own holding and could sell that holding only to other

Indians. That requirement was intended to avoid loss of commonly owned property through land speculation. The system had been successful in putting an end to the constant encroachment on the indigenous territories and to the inevitable retreat of their populations. At the same time, Indians were free to travel wherever they wished. They were legally required to give notice of their departure from a reservation, not in order to restrict their freedom of movement, but simply in order to protect the system of collectively owned property. Indians were also free to own property outside the reservation if they so wished.

105. With reference to the situation of Indians living on reservations, the representative stated that the main problem concerned health. While 96 per cent of the Costa Rican population in general had access to health services, there were problems in health-care delivery on the reservations owing to factors such as the difficulty of access to the population there and the conflict between traditional healing practices and modern medical technology. However, the Government had established programmes on nutrition, encouraged preventive medicine and was concentrating on combating cholera.

106. There were also problems on the reservation concerning education because of a lack of teachers, teaching materials and, in particular, parallel texts. There was also a conflict with regard to the very principle of teaching Spanish in view of fears that the indigenous population might lose its cultural identity. For this reason, the Government was trying to ensure that education was provided in both Spanish and local languages. In regard to mining activities, the Legislative Assembly was responsible for granting mining concessions in the reservations and all indigenous groups were represented on the Assembly.

107. In connection with the question of identity documents, the Guaymis, a nomadic tribe on the border between Costa Rica and Panama, had been asked to decide whether they preferred to settle in Costa Rica or in Panama. Legislation had been drafted with a view to providing the tribe with identity cards and bilateral agreements had been concluded between Panama and Costa Rica regulating the question of the Guaymi people. It was pointed out that other indigenous groups in the country already possessed identity documents and, in addition, were free to apply for passports.

108. While it was true that black persons had not been allowed into the central part of the country before 1948, those restrictions had been abolished long ago and today the black population enjoys unrestricted freedom of movement throughout the country. Additionally, the black population was fully integrated in the nation's political and economic development. On the problem of refugees, the Committee was referred to the last report submitted by Costa Rica to the Committee on Economic, Social and Cultural Rights, which covered this question in detail.

109. In regard to recourse procedures available, the Office of the Ombudsman for Human Rights had been set up in March 1990 as a subsidiary organ of the Ministry of Justice. Its task was to protect the human rights of all persons on the territory of the Republic, not only Costa Rican nationals but also aliens. Safeguarding the rights of indigenous peoples was included in its mandate, which derived from the various international human rights instruments to which Costa Rica was a party. The Office would intervene by interceding in

cases of threats, obstruction or violation of human rights; by taking preventive measures and making recommendations to the competent authorities; by recommending mandatory sanctions against any officials who violated citizens' rights; by advocating legal reform; and by disseminating, as widely as possible, information on human rights. Since 1990, the Office had received some 6,000 complaints, denunciations and requests for assistance. Over a two-year period, it held some 50 seminars designed to increase awareness of human rights issues among the police, the teaching profession and the indigenous population.

Concluding observations

110. After noting the positive aspects of the tenth and eleventh periodic reports of Costa Rica and the position occupied by that country in the field of human rights, the Committee observed that the presentation of the report did not conform sufficiently to the general and consolidated guidelines regarding the form and contents of reports.

111. There were omissions in the general part, which should have been devoted to the general background against which the Convention was being applied, but which did not concentrate sufficiently on matters specifically of interest to the Committee.

112. There were also omissions in the analytical part, which should have dealt with the application of each article of the Convention:

(a) There were too few practical examples or relevant statistics, particularly on cases of complaints and convictions for acts of racial discrimination;

(b) There were also omissions in the presentation of the actual situation of ethnic minorities, especially indigenous peoples and Blacks, the "social indicators" of the non-integration of those population groups, the difficulties and discrimination to which they were exposed (right to land, right to health, freedom of movement, education, etc.), the damage caused to the environment of the Indians and the obstacles they might encounter in claiming compensation for such damage.

113. The Committee laid special emphasis on these last-mentioned omissions. It referred, in particular, to the problem of the status of the "reservations" of indigenous peoples and the concomitant risk of social exclusion.

114. In conclusion, while welcoming the additional explanations given by the Costa Rican delegation in its oral presentation, the Committee requested the Costa Rican Government to provide precise information on all these points in its twelfth report, the presentation of which should conform to the Committee's general guidelines.

Bangladesh

115. The fifth and sixth periodic reports of Bangladesh, combined in a single document (CERD/C/192/Add.3), were considered by the Committee at its 942nd, 943rd and 951st meetings, held on 5 and 11 August 1992 (see CERD/C/SR.942, 943, and 951).

116. The report was introduced by the representative of the State party, who declared that there was no racial discrimination in Bangladesh, which had a completely homogeneous population. Bangladesh condemned the racist regime in South Africa and maintained no relation with it. There was in Bangladesh a tribal population of 0.5 per cent, divided into 36 tribes. There were some residual problems of socio-political integration, as well as marginal problems of tribal terrorism. Bangladesh was fully committed to condemning and opposing racism and racial discrimination.

117. Members of the Committee welcomed the progress made in Bangladesh towards restoring democracy. They also expressed their appreciation for the fact that the report submitted by Bangladesh largely followed the Committee's guidelines for the preparation of reports. They acknowledged that Bangladesh was facing many problems as a result of difficult socio-economic and climatic conditions. Members of the Committee nevertheless expressed regret that the report did not provide sufficient information on practical measures taken in the country to implement the Convention. They noted that the statement in the report that "Bangladesh does not recognize any form of social discrimination" seemed to be in contradiction with the reference to "backward sections of people of different areas and races". They wished to receive demographic data on the various ethnic minorities, as well as specific information on their educational level and representation in the administration and Parliament. Members referred to the statement in the report that the Convention could always be invoked before the Courts and asked why its provisions could not be applied directly.

118. Members of the Committee requested more precise information on the current situation of ethnic minority groups in Bangladesh, in particular those living in the Chittagong Hill Tracts, who, according to reports from a variety of intergovernmental and non-governmental sources, have been submitted to gradual encirclement and dispossession. According to those sources, the policy of large-scale settlement by Bangalis from the plains had led to the further impoverishment and marginalization of the indigenous peoples, and had resulted in an armed uprising. There was said to be an estimated 35,000 or more security troops operating in the Chittagong Hill Tracts, and widespread torture and other human rights violations, including summary executions, the murder of children and rape of women, curfews and other restrictions on freedom of movement had been reported. It was alleged that houses had been destroyed and Buddhist temples desecrated. Information was requested on the current Government policy and on the implementation of Chittagong Hill Tracts Regulation 1900 protecting tribal interests. According to certain sources, that Regulation, which afforded the tribal peoples some measure of protection, was not really being applied. Members asked whether it was true that Act No. 89 on district councils, which guaranteed ethnic groups some representation, had no constitutional basis and, in that event, could be repealed. It was also asked what the Government's policy was with regard to population transfers, whether the populations inhabiting the areas to which

others had moved had been consulted and whether they were in any way recompensed for any deterioration in their circumstances that might result.

119. With regard to article 2 of the Convention, the members of the Committee asked what measures had been taken to punish persons who had taken advantage of members of the backward sectors of the population.

120. In connection with the implementation of article 3 of the Convention, members of the Committee sought clarification of the statement in the report that the provisions of that article were not applicable. They also understood from some sources that there were cluster camps in areas inhabited by indigenous peoples, and that people in those camps were subject to various restrictions, being unable to travel without permission. Members requested clarification on this subject.

121. Concerning article 4 of the Convention and recalling the obligatory nature of its provisions, members of the Committee expressed disagreement with the Government's view that specific legislative, judicial, administrative or other measures were not necessary. It was asked whether there had been any public pressure to introduce measures to implement the provisions of article 4.

122. With regard to the implementation of article 5 of the Convention, members of the Committee sought clarification of the meaning of article 29 of the Constitution and asked whether the provisions of that article could be interpreted as meaning that discrimination might be admissible under certain conditions. They also requested clarification on the information that there were cases of very long-term arbitrary detention affecting members of minority groups and asked whether the rule of habeas corpus applied to persons who had been arrested. Information was also requested on the repeated incidents in which the army was said to have tortured and beaten civilians belonging to ethnic minorities and on the measures the new Government intended to take in order to protect the inhabitants of the Chittagong Hill Tracts and to guarantee respect for their holy places, their heritage and their culture. Explanations of conditions needed for acquiring Bangladeshi nationality were requested. With regard to the right to own property, in which connection attention had been drawn to cases of allegedly unlawful expropriation without compensation or resettlement of the persons affected, members of the Committee asked about the new Government's policy and, in particular, about the 1974 Vested and Non-Resident Property Act, under which land belonging to tribal peoples and Hindus had been seized.

123. As to freedom of religion, further information was requested on the different religions practised in Bangladesh, the relationship between them, whether there was a State religion and what the Government's attitude was towards the different religions. In that connection, it was asked whether it was the Government's policy to convert the members of the Jumma ethnic group to the Islamic faith as alleged by some sources. In connection with freedom of opinion and expression, information was required on the assertion that the dissemination of an official report published following a mission of inquiry to the Chittagong Hill Tracts and the reporting of related human rights violations had been prohibited by the authorities. With regard to the exercise of economic, social and cultural rights, it was asked whether the system of crop sharing, under which half the crop went to the landowner, was going to be repealed and whether agrarian reform was to be undertaken. It was

also asked what the Government's policy was with regard to child labour and how many administrative posts were held by persons originating from the Chittagong Hill Tracts.

124. Turning to article 6, members of the Committee wished to know how the legal provisions for seeking remedies against acts of racial discrimination were being implemented in practice. They inquired about the access of Adivasis to courts when they sought to bring suits in the case of land disputes and about a five-year project, run by Caritas Bangladesh to provide legal assistance to Adivasis, which allegedly had been halted by the Government. If the Government did not permit a charitable body to provide legal advice, perhaps the Government should appoint an ombudsman.

125. In the context of article 7 of the Convention, members of the Committee requested clarification of the various parties, institutions and associations working to combat racial prejudice and of the practical measures taken by the Government to that end.

Concluding observations*

126. While recognizing the economic difficulties of Bangladesh, the Committee required better demographic data to understand the position of the ethnic minorities.

127. The Committee expressed grave concern at reports on the human rights of the ethnic minorities in the Chittagong Hill Tracts, including the forced transfer of population. Since the State representative was not in a position to respond to questions, the Committee looked forward to receiving further information.

Ghana

128. The Committee considered the tenth and eleventh periodic reports of Ghana, submitted in a single document (CERD/C/197/Add.7), at its 943rd, 944th and 950th meetings, held on 5, 6 and 11 August 1992 (see CERD/C/SR.943, 944, and 950).

129. The report was introduced by the representative of the State party, who pointed out that, since the preparation of the report, fundamental changes had taken place and were still taking place in Ghana. He indicated that Ghana's population had been over 14.5 million in 1990. The population was composed of several ethnic groups speaking various languages, English being the official language. The Ghanaian population was made up of about 43 per cent Christians, 38 per cent traditionally religious persons and 12 per cent Muslims. Ghana's policy was to downplay ethnic differences and forge national unity and integration.

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* Subsequently, the Committee received a communication from the Permanent Mission of Bangladesh in which a variety of allegations made during the consideration of its report was denied.

130. The representative of the State party also provided the Committee with information on some recent developments, stating, for example, that the draft Constitution prepared by the Consultative Assembly had been adopted by referendum on 28 April 1992. The Constitution, which would enter into force on 7 January 1993, contained provisions relating to the enjoyment without discrimination of the fundamental rights provided for in the Universal Declaration of Human Rights and the international human rights instruments. A review process was now under way to bring Ghanaian laws into line with the provisions of the new Constitution and he quoted those that guaranteed non-discrimination and equal treatment for all citizens. The ban on party political activity had been lifted in May 1992 and a large number of parties had been established. The Political Parties Law prohibited the formation of a political party on ethnic, regional or religious grounds. The representative of the State party also indicated that the National Media Commission Law had recently been adopted and that presidential and parliamentary elections were due to be held in November and December 1992. In addition, the Government of the Provisional National Defence Council had granted amnesty to about 1,000 prisoners in December 1991. He also recalled that Ghana advocated strong measures against countries which practised racial discrimination and demonstrated its opposition to apartheid and its support for the national liberation struggle in South Africa.

131. The members of the Committee thanked the representative of the State party for his cooperation and for the additional information he had provided during his oral introduction. They welcomed with satisfaction the trend towards democratization in Ghana. They indicated that, as a result of that trend and recent developments, there was a gap between the information provided in the report and the existing situation. Noting that the report had not been prepared in accordance with the Committee's guidelines and did not have a general part relating to a social, economic, political and institutional context in which the Convention was being implemented in Ghana, they said that they would like to receive detailed information on the latest population census, the demographic composition of the various ethnic groups, the different linguistic groups, infant mortality by ethnic group, the employment situation and education programmes. They also requested information on the legal system, legislative provisions relating to women and the provisions of the Constitution on the incorporation of international instruments in domestic legislation. In the light of the changes taking place, they wanted to know what status the 1982 Act on the Proclamation establishing the Provisional National Defence Council would have in future. They also asked for copies of the text of the new Constitution and other laws referred to in the report. They asked what the relationship was between the districts and the Ghanaian Government. They also requested information on recent reports of ethnic conflicts in the northern part of the country in which persons had been killed and property had been damaged.

132. With regard to article 3 of the Convention, the members of the Committee noted that, as far as action to combat apartheid in South Africa was concerned, Ghana's position had always been in conformity with the spirit and letter of the Convention.

133. As to article 4 of the Convention, it was asked whether the 1957 Prevention of Discrimination Act was still in force and whether the 1984 Prohibited Organization (Bakwu District) law also applied to the entire territory. The members of the Committee noted that the two 1957 and 1984 laws were not entirely in keeping with the objectives set in article 4 of the Convention and expressed the hope that, as part of its legislative reform, Ghana would adopt a new law that would be fully in conformity with the provisions of that article. Referring to the prohibition of any association based on ethnic or tribal feeling or of any party connected with an ethnic group, the members of the Committee asked whether such a prohibition might not be detrimental to the cultural identity of various ethnic groups and exacerbate ethnic or tribal feelings.

134. Referring to article 5 of the Convention, the members of the Committee noted that the Ministry of Education had recently announced measures to have local language newspapers published in each district. They asked whether the new Ghanaian Constitution guaranteed the exercise of the right to work and whether persons brought before the courts were entitled to the assistance of an interpreter, if necessary.

135. Responding to questions raised by members of the Committee, the representative of the State party stated that the country's statistical regulations did not permit the compilation of data on the demographic composition of Ghana and its linguistic groups. As to the infant mortality rate, it had dropped significantly during the last decade. Concerning the role of international treaties in relation to the constitution, he referred to the obligation under the constitution to promote respect for international law and treaty obligations, and to adhere to the principles enshrined in multilateral instruments. The Convention, which had been incorporated into Ghanaian law in 1966, remained valid under the new Constitution. It would be possible, under this new Constitution, to invoke a provision of the Convention in the courts but, where that provision was not self-executing, a specific enactment would be required. The judicial system would remain unchanged under the new Constitution, consisting of the higher courts and such lower tribunals as Parliament might establish. As to the relationship between the districts and the national political and legal framework, the representative explained that Ghana was a centralized State with 10 regions and 110 districts which were decentralized to a certain degree.

136. Women were guaranteed equal rights to training and promotion, as it had been the policy of successive Governments to promote gender equality in Ghana. The recent disturbances in the northern part of Ghana had in fact been a conflict between two groups of people over land rights.

137. In reply to questions concerning article 4 of the Convention, the representative of the State party stated that the Prohibited Organization (Bakwu District) law of 1984 had a national scope. The provisions of that law did not aim at the elimination of ethnic differences in society, but related to groupings with negative and discriminatory tendencies. Cultural associations, development societies and friendship groups based on ethnicity were not prohibited, but indeed encouraged.

138. With regard to article 5 of the Convention, the representative of the State party confirmed that currently one of the newspapers was published in a local language and that there were plans to publish three other local language newspapers. Referring to the right to work, he stated that according to the provisions of chapter 5, paragraph 24, of the new Constitution, the right to work, to safe and healthy conditions of work, and to equal pay for equal work without distinction of any kind, was guaranteed. While the official language of court proceedings was English, interpretation was provided where necessary, since less than 50 per cent of the population could speak English well.

Concluding observations

139. The Committee noted that, as a result of the important political changes now taking place in Ghana, including the adoption of a new Constitution and the election of a new Government, the report contained in document CERD/C/197/Add.7 was out of date.

140. The Committee welcomed the announcement by the representative of the Government that the legislative measures adopted in the past few years to guarantee the rights of citizens, regardless of their ethnic origin, religion or sex, continued to be in force and will be strengthened when they are revised in order to bring them into line with the principles embodied in the new Constitution.

141. The Committee pointed out that Ghana's next report should be prepared according to the guidelines adopted for this purpose and should contain all the information that was not provided in the last report. The Committee needed to have copies of the new Constitution and new laws which had been adopted in order to make a proper assessment of the situation with regard to the implementation of the Convention in the country. It thanked the Government of Ghana for the interest it has shown in maintaining a constructive dialogue with the Committee.

Colombia

142. The Committee considered the fifth periodic report of Colombia (CERD/C/1991/Add.1) at its 944th, 945th and 950th meetings, on 6 and 11 August 1992 (see CERD/C/SR.944, 945 and 950).

143. The report was introduced by the representative of the State party, who stated that the election of the Constituent Assembly had paved the way for democratic reconciliation. Colombia was a multiracial society and attached a great deal of importance to defending the cultural heritage of all indigenous communities. The rights of minorities were protected by a number of articles in the Constitution. Reference was made in this regard to the provisions of articles 5, 7, 10, 43, 246 and 286 of the Constitution. Two decrees had been adopted since the submission of the report, namely Decree No. 436 of 10 March 1992 establishing the National Indigenous Policy Council, and Decree No. 716 of 28 April 1992 which set up the National Commission on Indigenous Rights. The National Indigenous Policy Council, consisting of three senators and four representatives elected by the indigenous communities, helped to promote the interests of those communities, notably by defining priority areas for social welfare assistance. As to the National Commission on Indigenous Rights, its function would be to coordinate activities for the

prevention of any violation of the rights of indigenous peoples. The Government was currently monitoring the environmental impact of construction and prospecting operations in indigenous areas. Two projects, one in Chocó and another at the airport of Punto Mayo, had been halted because of the risk of damage to the environment. The National Committee for Indigenous Linguistics had assisted in the training of 20 language experts, 15 of whom were indigenous. Efforts were also being made to adapt school curricula to the needs of indigenous communities. The Government was endeavouring to make authorities at all levels more aware of the rights of indigenous peoples.

144. Members of the Committee welcomed the positive attitude of the Government of Colombia towards its reporting obligations and the regularity with which it submitted its reports. They noted with satisfaction that the report basically complied with the Committee's guidelines for reporting. At the same time, members expressed regret that the report had not provided sufficient information concerning the practical implementation of constitutional or legislative provisions. Noting the absence of a general part in the report relating to the social, economic, political and institutional framework within which the Convention was implemented in Colombia, members of the Committee wished to receive detailed information on the demographic composition of the population, in particular with reference to minority groups other than indigenous communities, and on the extent to which those groups were integrated into Colombian society. It was also pointed out that in preparing the country's next periodic report, account should be taken of the consolidated guidelines for the initial part of the reports of States parties. Concerning the newly elected Constituent Assembly, clarifications were sought as to the process of electing representatives of the indigenous peoples in that Assembly. Members also wished to know whether there had been actual cases of the Convention being invoked before the national authorities, and whether there were any court rulings referring to it; whether references to the Convention or other international human rights instruments had been made in the process of drafting Colombia's new Constitution; whether international obligations deriving from the Convention were binding in Colombian law, or could be overruled by subsequent legislation; and whether Colombia had taken steps in order to make the declaration provided for under article 14 of the Convention, as had been stated by its representative during the consideration of the previous report of Colombia. Members also wished to receive further information on the findings of the commission of inquiry set up to investigate incidents in the Chocó region in 1987 concerning mining rights. They also sought clarification of reports of violence perpetrated by military or paramilitary groups, including abduction of children by death squads, violence against rural dwellers in guerrilla areas, and other violations of human rights. In that connection, members of the Committee inquired to what extent the indigenous populations were affected by violence - whether they were just victims or also participated in it.

145. With regard to article 2 of the Convention, members of the Committee wished to receive further information on measures taken to recognize the rights of the indigenous peoples and to improve their legal, economic and social situation. They requested some clarification of the exact meaning and status of indigenous reservations and asked whether the indigenous inhabitants of the reservations could hold land individually or only on the basis of communal ownership. They asked whether the reservations occupied 25 per cent of Colombian territory or whether there were indigenous persons concentrated

in other regions of the country. Details were requested on the areas for special management; on how such areas differed from reservations; on the meaning of the upgrading of reservations; and of the "coordinating bodies" to enable the participation of indigenous populations in development activities. Members wished to know whether the Government was reviewing the titles to reservations set up in the colonial period. They inquired about the exact number of hectares granted to indigenous communities which had no or insufficient land. It was asked whether non-renewable resources were the property of the State, who was entitled to exploit such resources, and what was the situation where those resources were in areas where indigenous populations owned the land. Members of the Committee requested information on the appointment and functions of the indigenous inspectors of natural resources, and asked whether the Government had succeeded in putting a stop to environmental contamination and acts of violence in the Amazon region. In this connection, they wished to know whether the indigenous peoples had received any compensation for the damage to the environment and infringement of their land rights by the lumbering and mining companies. Information was also requested on the infant mortality rate and the life expectancy of members of the indigenous communities as compared with those of the rest of the population. Members of the Committee wished to know whether Decrees Nos. 88 of 1976 and 1142 of 1978, establishing the right of indigenous communities to a bilingual and bicultural education, and the 1984 resolution calling for curricula to be based on the principles of ethnic development and ethnic education, had been properly implemented, and whether bilingualism applied only to indigenous communities or to the rest of the population as well. It was also asked whether indigenous peoples were required to register births and deaths.

146. In respect of article 3 of the Convention, it was noted that Colombia had no diplomatic or other relations with South Africa.

147. With regard to the provisions of article 4, members of the Committee noted that the Colombian authorities had not yet adopted specific legislation prohibiting racial discrimination. In that connection, they recalled the mandatory character of such legislation and stressed the importance of legal anti-discriminatory provisions, if only for preventive purposes.

148. Concerning article 5 of the Convention, members noted that information provided in the report did not cover all aspects of that article. More information was requested on practical measures taken or planned to secure the right to protection against violence exerted by military or paramilitary groups. Further clarification was also sought on the enjoyment by the indigenous peoples and other minority ethnic groups of political, economic, social and cultural rights. Comparative figures were requested on education, per capita income, housing, medical care and political representation.

149. In connection with article 6 of the Convention, members of the Committee wished to know to what extent citizens availed themselves of facilities such as the national telephone line enabling individuals to report any threat to, or restriction of, the right to life or freedom. Further information was requested on the number of cases brought to the judicial authorities and settled by them, as well as details on punishments imposed on perpetrators of violence, and action taken against lumbering and mining companies which had failed to comply with conditions for their operations.

150. Replying to questions and comments by members of the Committee, the representative of the State party emphasized that Colombia had embarked on a highly complex political process whose outcome was vital for the country's future. Colombia was an open, democratic country confronted with serious problems such as drugs and violence. The indigenous populations lived in the Amazon and Orinoco Basins, both of which were remote regions, and the authorities were endeavouring to protect them against exploitation and massive deforestation and to help them to conserve their habitat and culture. With regard to the representation of indigenous persons in the Constituent Assembly, the representative stated that the two indigenous members of the Assembly had been chosen in elections in which the whole population had participated. The representation of indigenous persons in Congress resulted from a constitutional guarantee, article 171 of the Constitution providing for the election of two members in special constituencies by indigenous communities. With regard to the status of international instruments in internal law, international law prevailed over domestic legislation.

151. Despite the demobilization and disarmament agreement concluded between the Government and some of the six groups of guerrillas which had existed in the late 1980s, peace efforts had not yet been fully successful and two movements, the Revolutionary Armed Forces of Colombia and the National Liberation Army, were still waging guerrilla warfare. The violence afflicting Colombia was related to the drug phenomenon. A cooperation agreement had been signed between the Government and the indigenous communities to combat that phenomenon. The central Government had set up a committee composed of representatives of the indigenous communities and members of the central administration in order to launch a programme for poppy-crop substitution, establish a service infrastructure and develop the production system. The Constitution recognized the international instruments ratified by the Government, and particularly the Convention, as sources of law that could be invoked before the country's judicial bodies. Regarding the declaration provided for in article 14 of the Convention, the Government of Colombia still had the matter under review. With respect to the events that had occurred at Chocó in May 1987, which had not been related to the exploitation of mineral deposits, that had not been a confrontation between indigenous communities and the Government but, rather, a clash between two rival neighbouring tribes in Chocó, and the Government had endeavoured to reconcile the parties.

152. Concerning article 2 of the Convention, the representative of the State party stated that the traditional territorial unit of the indigenous communities was the resguardo, which was regarded as a full-fledged municipality. The resguardos were intended to promote the cultural unity of indigenous persons; they came under the authority of an indigenous governor responsible for promulgating and implementing laws and establishing a judicial system in line with the community's practices. The indigenous communities were entirely independent with respect to the distribution of land, ownership of which was subject to the indigenous land tenure system. With regard to the exploitation of mineral deposits on indigenous lands, the legislation stipulated that any mine situated on land governed by title preceding 1986 belonged to the owners of the land concerned. In other cases, subsoil resources belonged to the nation. Two cases had arisen, still to be settled by the courts, in which communities had sought to assert their mining rights. With regard to lumbering, the National Institute of Renewable Natural Resources and the Environment (INDERENA) had taken steps to resist major

multinational interests and curb the deforestation of which the indigenous populations were the prime victims. The Colombian Government's decision to protect the ecosystems and respect the rights of indigenous persons living in Amazonia had been intended to entrust management of the Amazon Basin to the communities which had always lived there. The Colombian bilingual education programme launched in 1975 had trained teachers specializing in bilingual education for indigenous peoples. Under the new indigenous administration, it would be possible for the various communities themselves to organize education and health services on their respective territories, with the support of the competent ministries. All births and deaths had to be registered with a notary in the relevant constituency.

153. With regard to article 4 of the Convention, the representative of the State party said that no complaint of racial discrimination had ever been received by the courts. In multi-ethnic societies such as Colombia, the problem of racism was not on the same scale as elsewhere; however, the Government would be advised of the Committee's wish that greater attention should be paid to the implementation of article 4.

154. With respect to article 5 of the Convention, the representative stated that the Constitution guaranteed everybody, including indigenous persons, the right to vote. Most ethnic communities lived in great isolation, in sparsely populated regions. The State had tried to provide them with basic welfare but their precarious living conditions meant that their average income was probably very low.

Concluding observations

155. The Committee took note of the reform of the Constitution and the substantial legal reforms introduced with a view to protecting human rights. It complimented the legislation and the drafting of programmes to enhance the economic, social and educational conditions of the indigenous population. The Committee equally concluded that the indigenous population could benefit from the Government's plans for the conservation of the Amazon region.

156. The Committee, however, noted that similar projects and programmes for the economic and social situation of indigenous peoples had been launched previously and hence the Committee had expected to be informed about their results.

157. In general, the report lacked information on the actual economic, social and educational situation of the indigenous population. The subsequent report should contain data on the economic, social and educational situation of indigenous groups compared with the rest of the population. Only on the basis of such data would the Committee be in a position to assess accurately the situation of the indigenous population. Further, the Government of Colombia should include information on the factual situation of the black community, on which no adequate information was provided so far.

158. The Committee reiterated its concern that article 4 of the Convention was not properly reflected in the national penal law.

159. The Committee expressed concern about ongoing violence in Colombia. As already stated by the Human Right Committee (A/47/40, para. 393), the measures that had been taken by the Colombian Government did not seem to be sufficient so far to effectively protect the life, health and property of the citizens, and especially of members of the indigenous population.

Yemen

160. The eighth and ninth periodic reports of Yemen, submitted in a single document (CERD/C/209/Add.2), were considered by the Committee at its 946th and 950th meetings, held on 7 and 11 August 1992 (see CERD/C/SR.946 and 950).

161. The representative of the reporting State, introducing his country's reports, said they clearly indicated that social or racial discrimination played no part in the life of the Yemeni people, who had a single ethnic origin and had for 14 centuries clung to the tolerant teachings of Islam in respect of relations between races. He further indicated that, prior to unification, the two Yemeni States had signed and ratified numerous international human rights instruments, including the Convention on the Elimination of All Forms of Racial Discrimination. The United Republic of Yemen had assumed the international obligations previously entered into by the two predecessor States. In Yemen access to justice and to public services, such as health and education, was guaranteed to all; freedom of the press was assured and democratically established political parties would be participating in a general election to be held in November 1992. The Yemeni Government actively promoted non-discrimination and friendly relations with other peoples.

162. Members of the Committee welcomed the end of the division of Yemen and the submission by the newly formed State of the reports under article 9 of the Convention, which had been prepared in accordance with the Committee's guidelines. They wished to know whether the Convention would prevail over domestic law; whether it could be invoked before the courts and administrative authorities; and whether its provisions could be enforced by those bodies. Members requested information on the demographic composition of the Yemeni society and wished to have more detailed information with respect to the Yemenis of African origin and on the tribal and nomadic affiliations which had existed before independence and which might still persist. They also wished to know: what special programmes had been undertaken to improve the socio-economic situation of persons belonging to tribes; whether it was intended to eliminate habits and customs, such as blood feuds and collective punishment; and what measures had been taken in order to prevent and solve the disputes and problems arising between tribes. They wondered whether the 100,000 persons of Indian origin residing in the country were considered as citizens or aliens, and whether they enjoyed the same rights as Yemeni citizens.

163. With respect to article 2 of the Convention, members of the Committee requested that the next report should furnish information on all aspects of that article.

164. In connection with article 3 of the Convention, members of the Committee noted that the obligations arising under that article seemed to have been duly complied with.

165. With regard to article 4 of the Convention, members of the Committee stressed that compliance with article 4 was compulsory for States parties and that the provisions of that article should be fully implemented, in particular in the penal laws.

166. With reference to article 5 of the Convention, members of the Committee inquired whether the lower courts had been merged; whether the former court systems continued to function in the respective halves of the country; and what the position was of divisional and provincial courts. They congratulated Yemen on the introduction of multi-party democracy and the wide range of civil rights guaranteed to all without distinction as to race, colour, descent or national or ethnic origin. They also commended Yemen for accepting some 10,000 refugees from Somalia and Ethiopia. In that latter connection they wished to know whether article 3 of the 1951 Convention relating to the status of refugees was being applied and whether identity papers had been issued. They drew attention to the fact that the information provided in the report with respect to article 5 was of a general character and did not deal with racial discrimination.

167. In connection with article 6 of the Convention, members of the Committee pointed out that, in spite of the statement in the report that no complaint involving racial discrimination had been brought before the courts by any individual or group of persons, the examination of the situation prevailing in Yemen had shown that there were indeed examples of informal and institutionalized discrimination.

168. With respect to article 7 of the Convention, members of the Committee asked what legislative and administration measures had been taken to assure its full implementation; whether teacher-training programmes and programmes for other professionals, magistrates and police officials included subjects that would help promote knowledge of human rights issues and engender better understanding, tolerance and friendship among nations and racial or ethnic groups; and whether children were taught about the purposes and principles of the Charter of the United Nations and other international human rights instruments.

169. With regard to article 14 of the Convention, members of the Committee inquired whether Yemen was willing to make a declaration under that article.

170. The representative of the reporting State, replying to the questions asked and comments made by the members of the Committee, pointed out that, due to the changes that had taken place in Yemen, information provided in the report did not always reflect the most recent developments. He said that in the process of consolidation of the newly formed State the most positive aspects of both systems had been combined. The interim Constitution was a great achievement and had ensured a period of stability and progress. It had also ensured that the Convention and its principles were reflected in legislation. Under article 22 of that Constitution the independence of the judiciary was guaranteed. Members of the various tribes in the country were now considered Yemenis and no distinction was made among them; the only difference among tribal groups was their occupations. Most of those tribes were now settled, had received an education and were contributing to the social and economic life of the country. Isolated cases of tribal vendettas

still occurred, but were rare. There were no minorities in Yemen, since all were considered Yemeni citizens.

171. With reference to the treatment of refugees, the representative pointed out that over 1 million Yemeni citizens had recently returned to their country from the Gulf area, and all had been absorbed and provided with housing, health care and education. In addition Yemen had taken in 50,000 Somali refugees as well as refugees from Ethiopia. The treatment accorded to them was in conformity with the provisions of the 1951 Convention relating to the status of refugees.

172. With reference to article 4 of the Convention, the representative stressed that no incitements or acts, referred to in that article, had been known to occur throughout the history of Yemen and consequently there had been no need to bring complaints of racist propaganda or racial discrimination before the courts; nor had there been any need to ban organizations which promoted racial discrimination, as required under paragraph (b) of article 4, since no such organization had ever existed.

173. With regard to article 5 of the Convention, the representative pointed out that the country's Constitution and legislation were not based solely on the precepts of the Sharia but also on other principles and assured that all the rights provided for under the Convention were given sufficient protection.

174. Referring to articles 6 and 7 of the Convention, the representative stated that racial discrimination was strongly condemned not only in the country's schools and educational institutions but also in the press and other mass media. In schools great emphasis was placed on teaching children to respect and value the culture of other countries and peoples. The Universal Declaration of Human Rights formed part of the school curriculum. Human Rights Day was regularly celebrated and was used to instil awareness of the abhorrent nature of racial discrimination.

175. As far as article 14 of the Convention was concerned, the representative said that since no racial discrimination existed in the country, there was no need for the procedure foreseen in that article.

176. In conclusion, the representative declared that the comments of the Committee, especially those concerning the Penal Code of Yemen, would be conveyed to his country's authorities.

Concluding observations

177. The Committee appreciated the Yemen Arab Republic's desire to enter into a dialogue so soon after the unification of the country.

178. The Committee commended the State's willingness to accept such a large number of refugees from Somalia and Ethiopia. It noted that the report lacked adequate information on the status of the Convention in domestic law and the demographic composition of the population and that articles 2, 4, 5 (e), 6 and 7 were not yet fully implemented. The Committee noted that Yemen had stated that, since no forms of discrimination existed in the country, specific legislation in respect of article 4 was not required. Calling the attention

of the State party to the Committee's General Recommendation I, the Committee reiterated that this was not a legally defensible interpretation of the obligations that a State assumes on acceding to the Convention.

Austria

179. The Committee considered the ninth and tenth periodic reports of Austria (CERD/C/209/Add.3) at its 947th and 951st meetings held on 7 and 11 August 1992 (see CERD/C/SR.947 and 951).

180. The representative of the State party introduced the report and indicated that it should be considered together with the core document submitted by his Government (HRI/CORE/1/Add.8) and the report on the question of ethnic groups. He explained that the Law of 17 October 1862 for the Protection of Personal Liberty, as referred to in the periodic report, had been replaced by a new law which had entered into force on 1 January 1991.

181. Indicating that the report submitted was very brief, members of the Committee noted that many of the questions asked during the consideration of earlier reports had not been answered adequately and that it would be desirable to have those answers in the next periodic report, which should be prepared in accordance with the Commitee's general guidelines. They stressed that, in preparing its report, the State party should deal with new developments and problems encountered during the period under review, referring, if necessary, to earlier documents. Members noted with satisfaction that, in his oral introduction, the representative of the State party had supplemented the written report.

182. Members of the Committee asked whether the Convention was directly applicable in internal law and whether it could be invoked directly before the courts; whether the limitation of grounds, as contained in article 1 of the 1973 Constitutional Act, applied to other prohibitions in respect of racial discrimination; and whether Austrian courts had ever made a distinction between unlawful and lawful grounds for discrimination. In that connection, members pointed out that, if the Government of Austria limited the use of remedies in respect of racial discrimination to acts which could be proved to be solely the result of racial hostility, it was restricting the scope of the Convention significantly. The members asked whether the Austrian Government recognized anti-Semitism as a danger and whether it was taking measures, particularly in the field of education, to combat prejudices which could lead to acts of discrimination. Having expressed their gratitude to Austria for accepting so many refugees from the former Yugoslavia and other countries, they asked whether the influx of large numbers of asylum-seekers and refugees did not lead to manifestations of xenophobia in Austrian society. In that context, they requested more information on the ruling by the Constitutional Court dated 15 December 1989 and on the 1987 decision by the Court under which Croatian had been accepted as a second language in towns and districts in Burgenland and Carinthia where Croatians lived.

183. With regard to the implementation of article 2 of the Convention, members of the Committee asked whether the fact that it had proved unnecessary in Austria to take the measures provided for in article 2, paragraph 1 (d), meant that there was no racial discrimination in Austria within the meaning of that provision of the Convention.

184. Referring to the implementation of article 4 of the Convention, members of the Committee requested information on the existence of groups with racist or xenophobic views; examples of manifestations of anti-semitism; and statistics on formal complaints, proceedings instituted and sentences handed down for acts of racism.

185. In connection with the implementation of article 5 of the Convention, members of the Committee requested additional information on the political representation of Slovenians and Croatians in Burgenland and Carinthia, as well as on whether it was possible for them to set up political parties. Some members expressed concern over the results of a Gallup Poll conducted in Austria in 1991 in which up to 20 per cent of those interviewed did not recognize the equal rights of Jews in economic life. A further question was asked about the recourse available to a female migrant worker should she be dismissed because she had applied for maternity leave.

186. With regard to the implementation of article 6 of the Convention, members of the Committee asked what remedies were available to Austrian citizens in the event of racial discrimination and whether there was any way in Austria of evaluating the effectiveness of remedies.

187. Referring to the implementation of article 11 of the Convention and noting that Austria was concerned about the events now taking place in the former Yugoslavia and that it had adopted an active position, especially in the Security Council, members of the Committee asked whether the Austrian Government would be prepared to invoke article 11 of the Convention and bring that very grave matter to the attention of the Committee.

188. Regarding article 14 of the Convention, the members of the Committee wished to know whether the Austrian Government intended to make the declaration provided for in that article.

189. Replying to the questions and observations of members of the Committee regarding Austria's implementation of the Convention, the representative of the State Party said that all forms of discrimination based on race, colour, descent or national or ethnic origin were prohibited by a Federal Constitutional Law, details of which could be found in paragraph 57 of the core document (HRI/CORE/1/Add.8). However, positive forms of discrimination existed, such as exemption from military service and justified and non-discriminatory distinctions in the treatment of aliens, such as visa applications. He also informed the Committee that the Constitutional Court had for the first time been seized with a case which fell within the purview of the constitutional act on the elimination of racial discrimination.

190. On the question of minorities, he said that Austria was home to various ethnic groups whose circumstances varied significantly. He provided detailed information on the historical background and current situation of the Czech, Croat, Slovenian and Hungarian minorities. Austrians were prepared to accept and help refugees and harboured no xenophobic feelings towards them.

191. With regard to the implementation of article 2 of the Convention, he said that the relevant information had been provided in earlier reports.

192. With regard to article 4 of the Convention, he stressed that the re-establishment of the Nazi party was prohibited and any attempt to revive it constituted a punishable offence. As for anti-Semitism, the only danger came from organized anti-semitic organizations or movements and not from individuals who were free to hold whatever opinion they wished regarding Jews.

193. Referring to article 5 of the Convention, he said that any minority could have its own political party, but that such parties had very little chance of being represented in the national Parliament. It had recently been proposed that a number of parliamentary seats should be reserved for minorities, regardless of election results. However, that initiative had not won unanimous support and no decision had yet been taken.

194. With regard to article 6 of the Convention, he explained that the purpose of the Mediation Service was to settle administrative questions; it did not concern itself with legal matters or with the payment of compensation and had no power to contest court decisions. However, it could bring to the attention of the Constitutional Court, for annulment, any measure which it deemed unjust. Immigrant workers had access to the Mediation Service and there was no time-limit for filing an application. In 1991, 4,783 complaints had been filed, compared with 5,675 in 1990. The Service declared itself competent in 80 per cent of cases. The Tyrol and Vorarlberg had not recognized the competence of the national Mediation Service and had set up their own mediation services. The Austrian Government would not conduct periodic surveys to determine the effectiveness of remedies. He considered that system worthwhile and wondered whether the Committee might not consider the question of remedies and propose a solution to the States parties, for example in the form of a general recommendation. The shifting of the burden of proof was a very sensitive question calling for lengthy discussion.

195. With regard to article 7 of the Convention, he said that children learned tolerance at school and during their further studies; many other measures were also taken to promote understanding and tolerance of others.

196. Regarding the possibility of Austria applying article 11 of the Convention in connection with the events leading to the destruction of what had formerly been Yugoslavia, he said that he would refer the matter to his Government. He would also raise the question of the optional declaration provided for in article 14 of the Convention.

Concluding observations

197. The Committee noted that Austria's tenth periodic report was of a brief updating character. A number of questions asked during the consideration of the sixth report in 1985 remained unanswered, while the account of the State's obligations under international treaties concerning its ethnic minorities, and of its discharge of those obligations, was too condensed.

198. The Committee found it necessary to recall that under article 5 (e) (i) of the Convention, everyone in Austria must be guaranteed the right, without distinction as to race, to equality before the law in the enjoyment of the right to work. This guarantee must cover the private as well as the State sector. The Committee was disturbed to learn that in Austria, as in other parts of Europe, there were signs of an increase in racism, xenophobia and

anti-Semitism, and readiness to ignore the rights of members of ethnic groups, including Jews. Since such hostile attitudes can be exploited by racist organizations, the Committee sought information about preventive and educational countermeasures.

199. The Committee noted that no case of racial discrimination had yet been taken to the Mediation Service or been decided by an Austrian court. As when other countries reported an absence of such cases, the Committee cautioned against inferring that that absence proved that there was no discrimination. The Committee expressed appreciation of the extensive oral replies to questions but indicated that the next periodic report should be of a comprehensive nature.

Chile

200. The Committee considered the ninth and tenth periodic reports of Chile (CERD/C/196/Add.1) at its 945th, 947th, 948th and 951st meetings, held on 6, 7, 10 and 11 August 1992 (see CERD/C/SR.945, 947, 948 and 951).

201. In his introductory statement, the representative of Chile provided the Committee with additional information concerning the implementation of the provisions of the Convention. New draft legislation on the protection and advancement of indigenous peoples, which was to be adopted in the course of 1992, would mark an important change in relations between the Chilean State and the indigenous peoples and would constitute a major step forward in the process of elimination of discrimination in Chile.

202. At the same time, the representative recognized that there had in fact been some cases of discrimination against indigenous people, particularly as regards enjoyment by the latter of the right to own property and the right to education. In order to remedy that situation, in 1992 the Government launched a major scholarship programme under which 4,500 scholarships were awarded at all educational levels. With regard to the right to own property and the disputes to which it had given rise, the Government had set up a special commission on indigenous peoples with a legal section which employed 14 lawyers assigned to the principal indigenous areas.

203. The representative indicated that development of the indigenous communities was one of the present Government's priorities. A loan fund of US$ 3 million had been set up to meet the needs of those communities. One hundred and twenty-four projects were in the process of implementation and 200 others would be launched within the next few months. Despite the current difficulties, Chile's democratic Government had undertaken to eliminate all the forms of discrimination which still existed in practice and the measures taken to that end showed the determination of the Government in the performance of that task.

204. Members of the Committee took note with satisfaction of the report of Chile which showed the profound changes that were taking place in that country and observed that the democratic Government of Chile had undertaken a very innovative policy in dealing with the indigenous populations. The report was most satisfactory from two standpoints: on the one hand it had provided the Committee with a considerable amount of basic information which the Committee had previously lacked; in addition, it recognized that racial discrimination against the indigenous peoples did exist, particularly with reference to their right to factors as vital to their existence as land and water. The praiseworthy attitude of the present authorities was indicative of an entirely new phase which gave reason to hope that there would be full and undeviating implementation of the Convention. However, the report did not conform to the Committee's general guidelines for the preparation of reports and it was recommended that the next report should be prepared on the basis of those guidelines.

205. Members of the Committee pointed out that there were some inconsistencies in the figures quoted in the report that were related to the demographic composition of the various ethnic groups and they requested clarification in that regard. They also wished to know whether, in the Chilean censuses, the

term "ethnic groups" had the same meaning as the term "indigenous populations"; whether there were any people of African origin in Chile; whether there were still any Yamanas in Chile; how ILO Convention No. 69 was being implemented in Chile; and whether the Supreme Court's decision of July 1990 would shortly be carried out. Referring to the conflicts caused by the Aymara people being deprived of communal property rights, the members of the Committee asked whether those conflicts had been settled, how they had been settled and whether the newly established national corporation for indigenous development took part in resolving such conflicts. Noting that the land problem had still not been resolved as far as the indigenous peoples were concerned, they asked how the Chilean Government planned to find practical solutions to such fundamental problems as land distribution, enjoyment of water resources and communal lands.

206. Referring to article 3 of the Convention, some members regretted the fact that the report contained no information on that subject and they requested information on the state of relations between Chile and South Africa at the trade and diplomatic levels.

207. Concerning article 4 of the Convention, members of the Committee expressed a desire for information concerning the measures taken to counter racist propaganda and racist organizations.

208. With regard to article 5 of the Convention, some explanation was requested concerning the representation of indigenous people at the national level, given that the total population of 13 million included 1 million indigenous people.

209. In connection with article 6 of the Convention, members of the Committee pointed out that information requested during the consideration of the previous report had still not been furnished. They requested clarification in that regard.

210. Regarding article 7 of the Convention, members of the Committee wished to know what action was being taken in the field of education and training to make teachers, the police, the judiciary and the military services aware of the problems of discrimination.

211. Members of the Committee expressed the hope that the new democratic Government of Chile would make the declaration provided for in article 14, paragraph 1, of the Convention, as that would help to strengthen the procedures for eliminating racial discrimination.

212. Replying to the questions raised and comments made by members of the Committee, the representative of the reporting State said that discrimination was a complex phenomenon in Chile and was as yet not governed by legislation, although the Government was making efforts to combat it. The 1980 Constitution had been amended following a plebiscite in 1989 and it was that amended Constitution that was now in force. As far as demographic composition was concerned, it was difficult to obtain reliable figures and thus the report might contain some contradictions. In the population census taken on 2 April 1992, Chileans had been asked for the first time to state their ethnic origin. The results of that census would be available in a few months and would be transmitted to the Committee. With reference to minorities, the

representative stated that practically no groups were discriminated against on purely ethnic or racial grounds; neither Europeans, nor immigrant groups suffered from such treatment, nor did the small black population. There was a long-standing tradition in Chile of welcoming immigrants, who were regarded as enriching Chilean society and who were rapidly assimilated.

213. The representative provided the Committee with detailed information on the situation, both in law and practice, of Mapuches, Aymara, Rapani and Easter Island people, indicating in particular that the draft Indigenous Peoples Act, now before Parliament, provided for the granting of special fishing rights, and other rights to indigenous peoples, and it was hoped that such measures would help to halt the process whereby indigenous peoples were gradually becoming extinct. It was true that many Mapuche organizations had opposed the parcelling out of communal land. Under the military regime, more than 60,000 land titles had been allocated with the result that 2,000 existing community holdings had been abolished. With the advent of a democratic government in May 1990, those land allocations had been declared invalid, and consultations had been held with the various communities on how best to regulate the situation from the legal point of view. A bill, currently under consideration, provided for a combined system of individually owned and communally owned land. It also was proposed to set up an Indigenous Land and Water Fund, which would enable the communities to acquire further resources. There had been serious problems in regard to land disputes and other conflicts over the construction of hydroelectric and other projects, but there was hope that they would be resolved harmoniously, given the Government's firm political will to find solutions to such problems by peaceful means. In June 1992, an Act had been passed amending the Water Code to prohibit exploitation of water resources on which indigenous communities depended.

214. With respect to article 3 of the Convention, the representative stated that while relations with South Africa had been encouraged under the military regime, they had been played down under the new Government. Recently, however, a Chilean ambassador had been accredited to South Africa in recognition of that country's progress made towards a united, multiracial and democratic regime. Chile had complied with all resolutions of the Security Council and the General Assembly in that regard. The Government's policy was to support all efforts to eliminate apartheid in South Africa.

215. With regard to article 4 of the Convention, the representative stated that he was not aware of any organization or group in his country that would promote racial discrimination.

216. As for article 5 of the Convention, the representative said that the participation of indigenous peoples in the country's political life would be regulated under the bill now before Parliament. One significant measure under this bill would be the establishment of an Indigenous Development Corporation, half of whose members would be appointed by the Government, and half by indigenous groups. He pointed out that, in keeping with the country's liberal tradition, there was no "quota" for elections to Parliament or for local elections; members of those bodies were elected by universal suffrage, on their own merits, and not in their capacity as representatives of particular indigenous groups.

217. With regard to article 7 of the Convention, the representative said that frequent public discussions on the subject of discrimination were held on television and radio, and the Ministry of Education had launched a programme designed to increase public awareness of the issue.

218. Chile was emerging from a long period of human rights violations, and the actual democratic Government was determined that such an era in its history should never be repeated. Its wish was to collaborate with the Committee. The representative assured the Committee that his delegation would transmit to the President the view expressed by members of the Committee that Chile should make the declaration provided for under article 14 of the Convention, and that Chile's next report should comply fully with the Committee's guidelines.

Concluding observations

219. The Committee took note of the revision of the Chilean Constitution and the changes to the legal system resulting from the return to the rule of law. The Committee expected such development to benefit the ethnic groups in Chile, especially the indigenous peoples.

220. The Committee welcomed the frankness with which the Government of Chile acknowledged the history of discrimination against the indigenous peoples. It took note of the measures being taken to improve the situation of indigenous peoples and expects that this policy will be continued so as to improve their economic, social and educational status as well as the enjoyment of their human rights in accordance with article 5 of the Convention.

221. Recalling General Recommendation I, the Committee reiterated the importance of enacting legislation in accordance with article 4. The Penal Code and the Code of Criminal Procedure also needed reconsideration.

222. The Committee welcomed the statement of the Chilean delegation concerning the possibility that the Chilean Government might make the declaration under article 14.

223. While appreciating the new policies being developed, the Committee expressed the hope that the next periodic report would contain further information and would follow the Committee's general guidelines.

Somalia

224. At its 949th meeting, on 10 August 1992 (see CERD/C/SR.949), the Committee took note of the request by the Permanent Mission of Somalia to the United Nations at Geneva to defer consideration of the report of Somalia until the situation in that country had been clarified.

225. After hearing from its country rapporteur about the situation in that country, and debating the issue in the absence of a representative of the State party, the Committee decided to defer for one year its consideration of the implementation of the Convention in Somalia.

226. Taking account of the report of the Secretary-General to the Security Council (S/24343), the Committee expressed its concern about the tragic circumstances prevailing in Somalia, which include conflicts based on descent.

227. The Committee trusts that the Security Council and other competent organs of the United Nations, in cooperation with regional and non-governmental organizations, will continue to do everything possible to bring to an end the violation of human rights in Somalia.

Cape Verde

228. At its 949th and 952nd meetings, held on 10 and 12 August 1992 (see CERD/C/SR.949 and 952), the Committee reviewed the implementation of the Convention by Cape Verde based on its previous report (CERD/C/86/Add.4) and its consideration by the Committee (see CERD/C/SR.662-SR.663). The Committee noted that no reports had been received from the State party since 1983.

229. Members of the Committee recalled that, in its initial report, Cape Verde provided information on the constitutional, legislative and administrative arrangements prevailing in that country. A number of questions had subsequently been raised by Committee members.

230. After some delay, Cape Verde submitted its second periodic report, which was considered in 1984. Members of the Committee had expressed the opinion at that time that the second periodic report had not completely responded to earlier points raised and additional questions were asked. Unfortunately, no further reports had been submitted by the State party since then.

231. During the consideration of its second periodic report, the representative of Cape Verde informed the Committee that the Convention was part of the national law and had been published in the gazette. However, the non-self-executing provisions of the Convention could not be directly applied but needed to be implemented through the enactment of specific legislation. Such legislation had not been adopted but the Penal Code was under review and the implementation of the Convention was to be included. The State party was invited to inform the Committee of the results of this review and subsequent developments.

232. Members of the Committee requested further information on the application of article 3 of the Convention as well as more detailed information on the enjoyment in Cape Verde of the rights enumerated in article 5. Information was also requested on any cases dealing with racial discrimination that had been brought before the courts and on measures taken in connection with article 7 of the Convention.

Concluding observations

233. In concluding the review, the Committee regretted that Cape Verde had not been able to respond to its invitation to participate in its meeting and to furnish relevant information. The Committee wished to draw the attention of the State party to the possibility of requesting technical assistance from the United Nations Centre for Human Rights in the preparation of its report.

234. The Committee urged the State party to fulfil its reporting obligations as soon as possible, taking into account the Committe's present review. In this regard, the State party was advised to follow the revised guidelines of the Committee and to provide the core information requested in document HRI/1991/1.

Lesotho

235. At its 949th and 952nd meetings, held on 10 and 12 August 1992 (see CERD/C/SR.949 and 952), the Committee reviewed the implementation of the Convention by Lesotho based on its previous report (CERD/C/90/Add.2) and its consideration by the Committee (see CERD/C/SR.608). The Committee noted that no reports had been received from the State party since 1983.

236. Members of the Committee recalled that, during the consideration of its initial report in 1976, further information was requested with regard to the Race Relations Order of 1971. At the consideration of its subsequent reports, it had been noted that Lesotho's legislation addressed basic requirements under the Convention but that gaps still occurred.

237. Members of the Committee noted the recent developments in Lesotho, including the promised return of democracy in the near future. In view of the significant changes which had been taking place in southern Africa and in Lesotho itself, the submission of an updated report was considered particularly important.

Concluding observations

238. In concluding the review the Committee regretted that Lesotho had not been able to respond to its invitation to participate in its meeting and to furnish relevant information. The Committee wished to draw the attention of the State party to the possibility of requesting technical assistance from the United Nations Centre for Human Rights.

239. It hoped shortly to receive a new report in accordance with the Committee's reporting guidelines together with a core document in accordance with the guideline HRI/1991/1.

Saint Vincent and the Grenadines

240. At its 949th and 952nd meetings, held on 10 and 12 August 1992 (see CERD/C/SR.949 and 952), the Committee reviewed the implementation of the Convention by Saint Vincent and the Grenadines based on its previous report (CERD/C/85/Add.1) and its consideration by the Committee (see CERD/C/SR.652). The Committee noted that no reports had been received from the State party since 1983.

241. Members of the Committee noted that the population of Saint Vincent and the Grenadines was predominantly black but that there was also a significant number of persons of mixed background and, in addition, small minorities of whites, Asians and Amerindians. Some of these groups were overrepresented at the lower-income levels and members of some minorities felt that they were discriminated against by the majority. It was pointed out that relations between the various racial and ethnic groups were not always harmonious and that there had been occurrences of racial strife.

242. Members of the Committee recalled that the initial and only report submitted by the State party consisted of a single sentence asserting that there was no form of racial discrimination practised in the country and stating that protection from such discrimination is provided in the basic

clauses of the Constitution. During the consideration of that report in 1984, the attention of the reporting State was drawn to the availability of technical assistance from the United Nations Centre for Human Rights for the preparation of mandatory reports under the various human rights instruments.

243. Members of the Committee reminded the State party of its obligations under the Convention. It was pointed out that, as a minimum, the Government of Saint Vincent and the Grenadines should provide the Committee with a copy of those sections of the Constitution which were said to provide protection against racial discrimination. In addition, members of the Committee wished to know how a racial conflict between a citizen and a visitor to the islands would be dealt with.

Concluding observations

244. In concluding the review, the Committee regretted that Saint Vincent and the Grenadines had not been able to respond to its invitation to participate in its meeting and to furnish relevant information. The Committee wished to draw the attention of the Government of the State party to the possibility of requesting technical assistance from the United Nations Centre for Human Rights in the preparation of its reports. It hoped to receive a new report shortly.

245. The Committee asked Saint Vincent and the Grenadines to furnish a copy of that section of the Constitution which is said to provide protection against racial discrimination.

Solomon Islands

246. At its 949th and 952nd meetings, held on 10 and 12 August 1992 (see CERD/C/SR.949 and 952), the Committee reviewed the implementation of the Convention by the Solomon Islands based on its previous report (CERD/C/101/Add.1) and its consideration by the Committee (see CERD/C/SR.635-636). The Committee noted that no reports had been received from the State party since 1983.

247. Members of the Committee recalled that the State party had only submitted an initial report and had not responded to a number of questions raised during the consideration of that report. Noting the many changes that had taken place since then, members of the Committee requested further information on recent developments with regard to the Constitution, how it gave force to articles 2 to 5 of the Convention, and what additional measures had been taken to implement these articles. Members also wished to have detailed information on the position of the Convention relative to national legislation; how racial discrimination was prohibited in public and in private organizations; and whether any discriminatory legislation from the colonial era persisted.

248. Members of the Committee also wished to know what measures had been taken to apply article 4 of the Convention prohibiting racist organizations and propaganda. Detailed statistical information was requested on the demographic composition of the population, including the corresponding rates for each racial and ethnic group regarding birth and mortality rates, life expectancy,

literacy, educational attainment, unemployment and religious affiliation. Information on the appropriation of Government funds for balancing discrepancies in this regard were also requested. In addition, members wished to be informed on the availability of education in local languages.

Concluding observations

249. As the last, and only, report of the Government of the Solomon Islands was made nine years ago, the Committee was unable to make an up-to-date assessment of the situation in that country with regard to the implementation of the Convention.

250. The initial report of the State party had been very incomplete and there was no response to the questions addressed to the Government representative during the Committee's examination of the report.

251. At that time, neither a copy of the Constitution nor the legislation of the country was available, so the Government needed to provide these documents to the Committee.

252. It could be seen from the discussion in the Committee with the Government representative and from the written report itself that the provisions of the Convention were not being fully implemented.

253. The Committee recommended that the Government of the Solomon Islands should respond to all the questions put by the Committee and should avail itself of the services of the United Nations Centre for Human Rights in the preparation of its report.

Lao People's Democratic Republic

254. At its 949th and 952nd meetings, held on 10 and 12 August 1992 (see CERD/C/SR.949 and 952), the Committee reviewed the implementation of the Convention by the Lao People's Democratic Republic based on its previous reports (CERD/C/105/Add.4) and their consideration by the Committee (see CERD/C/SR.707-709). The Committee noted that no reports had been received from the State party since 1984.

255. Noting that Laos submitted reports on only two occasions since it had become a State party in 1974, members of the Committee pointed out that technical assistance in the preparation of reports was available from the United Nations Centre for Human Rights. Members of the Committee requested updated information on the implementation of the Convention and on measures taken for the development of minority groups, particularly the Hmong or Meo tribe. More detailed information on the ethnic composition of the population was requested, along with updated statistics on the social, economic and demographic characteristics of the groups concerned. Taking into account efforts undertaken to democratize, members wished to have information on the impact of these reforms on minority and ethnic groups in Laos. Information on the impact of the 1991 Constitution was also requested and, in particular, details on the position of the Convention in domestic law. Members wished to know whether the provisions of the Convention were directly applicable in national law or if special legislation needed to be adopted.

256. Members of the Committee noted the absence of legal guarantees with respect to article 4 of the Convention. They asked for further information on measures taken to ensure the prohibition of racist groups and racist acts and wished to be provided with the relevant legal texts. Members wished to know what recourse procedures were available for victims of racial discrimination and requested details on any cases that had been decided on in the courts in this regard.

257. Concern was expressed over the number of refugees that had fled to neighbouring countries and information was requested concerning progress in the repatriation of those refugees, particularly as it affected ethnic and minority groups. In regard to article 7 of the Convention, members wished to know what steps had been taken to publish and disseminate the provisions of the Convention and what support had been extended to non-governmental organizations combating racial discrimination and promoting fundamental human rights.

Concluding observations

258. The Committee regretted that the Government of the Lao People's Democratic Republic had not submitted a periodic report since 1984 and had been unable to respond to the invitation to take part in the present session.

259. Recognizing the difficult situation in Laos and the changes under way, the Committee wished to encourage Laos along the path of democratization and to draw its attention to the possibility of obtaining technical assistance from the United Nations Centre for Human Rights in the preparation of its reports.

260. The Committee hoped that the Government of Laos would submit its new report as soon as possible. The report should be presented in accordance with the guidelines laid down by the Committee and provide, in particular, information on the country's main social, economic and demographic indicators, on the content of the new 1991 Constitution, on the reforms undertaken with a view to democratization and the protection of human rights, on the measures taken to improve the situation of ethnic minorities, on penal legislation against racism and its application by the courts, on the situation of refugees and on the elimination of "re-education camps" and of restrictions on freedom of movement.

Papua New Guinea

261. At its 949th and 952nd meetings, held on 10 and 12 August 1992 (see CERD/C/SR.949 and 952), the Committee reviewed the implementation of the Convention by Papua New Guinea, based on its previous report (CERD/C/101/Add.4) and its consideration by the Committee (CERD/C/SR.666). The Committee noted that no report had been received since 1983.

262. With regard to the previous report, which had been deemed satisfactory from the point of view of conformity with the Committee's reporting guidelines, members of the Committee recalled that the Government of Papua New Guinea had submitted detailed information according to which the Constitution provided for rights and freedoms without any distinction based on race, tribe, place of origin, political opinion, colour, creed or sex. The

Constitution also contained provisions prohibiting the practice of racial discrimination against persons, groups or institutions by individuals, public authorities and public institutions. An Ombudsman Commission had been established to receive and investigate complaints by individuals against public authorities or companies. The Constitution provided for the development or protection of certain racial groups and individuals. Papua New Guinea had entered a reservation with regard to article 4 of the Convention. Procedures for obtaining remedial action were provided for under the Constitution and the Discriminatory Practices Act. Members of the Committee further recalled that subsequent to consideration of that report, the Committee had asked for additional information on the country's exact demographic composition, and had inquired whether Papua New Guinea considered withdrawing its reservation. The Committee had also observed that the purpose of the Convention was not only to eliminate racial discrimination, and had expressed the hope that the Government might envisage adopting measures aimed at preventing racial discrimination.

263. Members of the Committee noted that while the Constitution of Papua New Guinea did not seem to have changed significantly since submission of the previous report, the present situation was giving rise to concern. On Bougainville, the Government faced armed opposition from the Bougainville Revolutionary Army (BRA). Both the BRA and the government security forces were reported to have committed serious human rights violations. On 17 May 1990, the independence of Bougainville had been proclaimed by the BRA and on 5 August 1990 the secessionist movement had concluded an "Endeavour Agreement".

264. Members of the Committee wished to receive information on the exact demographic composition of the country and on the violations of human rights which had occurred in connection with the attempted secession of Bougainville. They also requested additional information on the effect of mining activities on the local population in Bougainville and other parts of Papua New Guinea.

Concluding observations

265. The Committee regretted that Papua New Guinea had not been able to respond to its invitation to participate in its meeting and to furnish relevant information. The Committee wished to draw the attention of the Government of the State party to the possibility of requesting technical assistance from the United Nations Centre for Human Rights in the preparation of its reports. It hoped to receive a new report shortly. In drafting its report, the Government of Papua New Guinea should not only report upon the legal situation as far as the prohibition of racial discrimination is concerned, but should inform the Committee about the social, economic and educational situation of the various ethnic groups and about the effect of mining upon the situation of the local population.

266. In accordance with article 9, paragraph 1, of the Convention, the Committee requested further information from the Government of Papua New Guinea on the situation in Bougainville.

Botswana

267. At its 949th and 952nd meetings, held on 10 and 12 August 1992 (see CERD/C/SR.949 and 952), the Committee reviewed the implementation of the Convention by Botswana, based on its previous report (CERD/C/105/Add.1) and its consideration by the Committee (CERD/C/SR.654). The Committee noted that no report had been received since 1983.

268. Members of the Committee recalled that in the fifth periodic report the Government had provided information on the demographic composition of the country. It was further recalled that subsequent to the consideration of that report the Committee had raised some questions on the conformity of Botswana's legislation with all the provisions of article 4 of the Convention. On the other hand, information contained in the report on the implementation of article 7 of the Convention had been deemed quite satisfactory.

269. Concerning article 2 of the Convention, members of the Committee wished to know whether there were any integrationist, multiracial or non-governmental organizations dealing with racial equality, and whether any specific governmental project was being implemented in favour of the indigenous San population. In this connection, further information was requested on current agricultural schemes and on the Remote Area Development Programme.

270. With regard to article 5 of the Convention, members of the Committee sought clarification on how the various provisions of that article were reflected in Botswana's legislation. They wished to receive information on measures taken to sensitize the police to human rights problems and avoid the incidence of beatings of detainees. They also requested information on the involvement of people in the modern political system, and on the situation of refugees settled in the Dukwe settlement camps. With regard to economic, social and cultural rights, additional information was requested on measures taken to narrow the gap between urban and rural areas. It was noted that the refusal of the Government to allow for instruction in minority languages in schools appeared to contravene the provisions of article 5 (e) v of the Convention. More information was also requested on trade-union rights, which had been reported to be severely limited, as well as the right to strike, and members of the Committee wished to know whether any initiative had been taken with a view to reforming labour laws.

271. In relation to article 6 of the Convention, members of the Committee noted that the availability of redress for racial discrimination in the High Court did not necessarily meet the obligations under this article, as it usually involved expenses. They wished to know whether free legal aid was being contemplated. More information was requested on the incidence of racial discrimination in various sectors of the society and on the frequency with which individuals were able to obtain redress.

272. Concerning article 7, members of the Committee wished to know whether the Botswana Association for Human Rights had obtained official registration. They also asked if steps had been taken to ensure compulsory education.

Concluding observations

273. In concluding the review, the Committee regretted that Botswana had not been able to respond to its invitation to participate in its meeting and to furnish relevant information. The Committee wished to draw the attention of the State party to the possibility of requesting technical assistance from the United Nations Centre for Human Rights in the preparation of its report. The Committee hoped to receive a new report shortly.

274. The Committee invited Botswana to provide an account of integrationist multiracial organizations, of how its legislation corresponds with article 5 of the Convention and of how easy it is for the general public to utilize their legal remedies.

Viet Nam

275. At its 948th meeting on 10 August 1992 (see CERD/C/SR.948), the Committee considered the implementation of the Convention by Viet Nam based on the previous report (CERD/C/101/Add.5) and its consideration by the Committee (see CERD/C/SR.677-678). The Committee observed that the State party had not submitted a report since 1983 but was pleased to note the presence of the representative of the State party at the Committee's meeting as an indication of the resumption of dialogue between the State party and the Committee.

276. The representative of the State party expressed his Government's regret at not submitting a periodic report and by way of explanation for this delay informed the Committee that extensive revision of the 1980 Constitution of Viet Nam had recently been undertaken resulting in the adoption by the National Assembly of a new Constitution only on 15 April 1992. He also indicated that, in view of the major reforms that had taken place in Viet Nam and the need to provide information to the Committee on their effect, he hoped that the Committee would consider favourably his Government's request that the consideration of his Government's next periodic report be postponed until 1993. In addition, he requested advice from the Committee as to the elaboration of his Government's next periodic report.

277. The representative of the State party also drew attention to certain provisions of new legislation relating to the implementation of the Convention. In this regard, he referred to article 5 of the new Constitution which relates, inter alia, to the promotion and protection of the rights of culture, language and traditions of the various Vietnamese minorities, as well as to the prohibition of acts of discrimination against them. He indicated, moreover, that the Government, through development initiatives, is promoting improvements in the standard of living, both materially and culturally, of the ethnic minorities in Viet Nam.

278. The representative of the State party also noted that pursuant to decision 72/HDBT of 13 February 1990, the Council of Ministers had been charged with responsibility for political, social and economic development matters in the mountainous regions, where many ethnic minorities were to be found.

279. The Committee noted with interest the information provided by the representative of the State party, including the intention of his Government to submit a report to the Committee in 1993 and the request that his Government be provided with advice on what information should be contained in its next report to the Committee. In the latter report they indicated that Viet Nam's next periodic report should be divided into two parts. One part should deal with the general economic, political and social context in which the Convention is implemented. The other part should be more specific in content and address such concerns as: the constitutional principles affecting the implementation of the Convention in Viet Nam; the incorporation into domestic law of the provisions of the Convention and whether these provisions can be invoked in court; and the problem of refugees returning to Viet Nam, especially in view of the agreement concluded between the United Kingdom and Viet Nam on enforced repatriation of Vietnamese refugees in Hong Kong.

280. With respect to the implementation of the various articles of the Convention, the Committee, with regard to article 2, requested that information be provided on the subject of discrimination against persons from different regions and belonging to different groups and about the measures being taken to combat such discrimination and to improve the social and economic position of such persons.

281. In connection with articles 4 and 6 of the Convention, the Committee requested detailed information concerning the measures taken to punish acts of discrimination and the remedies available in court for victims of discrimination.

282. With respect to article 5 of the Convention, members of the Committee requested information on the effective enjoyment of the rights contained in the article. They also wished to know what action was being taken to abolish re-education camps; what problems existed in connection with obtaining residence permits and how non-registration affected the enjoyment of health, education and housing rights. Further information was also requested on abuses suffered by religious leaders and prisoners of conscience.

283. Members of the Committee also sought information on the efforts being made by the State party to make the provisions of the Convention known and more generally to teach and inform the public about non-discrimination and human rights standards. Finally, they wished to know what efforts were being made to encourage the work of non-governmental organizations involved in human rights matters.

Burkina Faso

284. At its 949th and 952nd meetings, held on 10 and 12 August 1992 (see CERD/C/SR.949 and 952), the Committee reviewed the implementation of the Convention by Burkina Faso, based on its previous report (CERD/C/105/Add.1) and its consideration by the Committee (CERD/C/SR.711). The Committee noted that no report had been received since 1984.

285. Members of the Committee recalled that subsequent to the consideration of the previous report, the Committee had asked whether various laws promulgated in the past were still in force; whether there was a special recourse body against illegal administrative action; and whether tensions existed between various groups of the population.

286. Members of the Committee noted the political instability and difficult conditions that Burkina Faso had been facing since the submission of the previous report. They stressed the need to receive up-to-date information on the current status of the Constitution and other legislative provisions. They requested clarification as to whether provisions introduced to meet certain of the requirements of articles 2 to 7 of the Convention were presently in force and effective. Members wished to know whether any prosecution had taken place following ethnic conflicts; whether ethnic conflicts also had political dimensions; and to what extent existing remedies were being used. Clarifications were also sought on the situation of health and other social services and on measures taken to reduce disparities between various regions in that regard. Members of the Committee also wished to receive further information on the implementation of the policy aiming at joining together the various ethnic groups, and on eventual obstacles encountered.

Concluding observations

287. In concluding the review, the Committee regretted that Burkina Faso had not been able to respond to its invitation to participate in its meeting and to furnish relevant information. The Committee wished to draw the attention of the government of the State party to the possibility of requesting technical assistance from the United Nations Centre for Human Rights in the preparation of its reports. It hoped to receive a new report shortly.

288. When the sixth periodic report was considered, the Committee noted many gaps in Burkina Faso's legislation in respect of the Convention. So far as the Committee is aware, these gaps remain.

IV. CONSIDERATION OF COMMUNICATIONS UNDER ARTICLE 14 OF THE CONVENTION

289. Under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, individuals or groups of individuals who claim that any of their rights enumerated in the Convention have been violated by a State party and who have exhausted all available domestic remedies may submit written communications to the Committee on the Elimination of Racial Discrimination for consideration. Sixteen of the 132 States that have ratified or acceded to the Convention have declared that they recognize the competence of the Committee to receive and consider communications under article 14 of the Convention. These States are Algeria, Costa Rica, Denmark, Ecuador, France, Hungary, Iceland, Italy, the Netherlands, Norway, Peru, Russian Federation, Senegal, Sweden, Ukraine and Uruguay. No communication can be received by the Committee if it concerns a State party to the Convention that has not recognized the competence of the Committee to receive and consider communications. The competence of the Committee to exercise the functions provided for in article 14 became effective on 3 December 1982, pursuant to article 14, paragraph 9.

290. Consideration of communications under article 14 of the Convention takes place in closed meetings (rule 88 of the Committee's rules of procedure). All documents pertaining to the work of the Committee under article 14 (submissions from the parties and other working documents of the Committee) are confidential.

291. In carrying out its work under article 14 of the Convention, the Committee may be assisted by a working group of not more than five of its members, which submits recommendations to the Committee regarding the fulfilment of the conditions of admissibility of communications (rule 87) or on the action to be taken in respect of communications that have been declared admissible (rule 95, para. 1).

292. The Committee began its work under article 14 of the Convention at its thirtieth session, in 1984. Subsequently, it has considered issues under article 14 at its thirty-first and thirty-second sessions in 1985, thirty-fourth session in 1987, thirty-sixth session in 1988, thirty-seventh session in 1989, thirty-eighth session in 1990 and thirty-ninth session in 1991. At its thirty-sixth session, on 10 August 1988, the Committee adopted its opinion on communication No. 1/1984 (Yilmaz-Dogan v. The Netherlands). 5/ At its thirty-ninth session, on 18 March 1991, the Committee adopted its opinion on communication No. 2/1989 (Demba Talibe DIOP v. France). 6/

293. Under article 14, paragraph 8, of the Convention, the Committee shall include in its annual report a summary of the communications considered by it and of the explanations and statements of the States parties concerned, together with the Committee's own suggestions and recommendations thereon. This reporting stage has not yet been reached in respect of communications 3/1991 and 4/1991 which were placed before the Committee at its forty-first session. The Committee decided to send these two communications to the States parties concerned for information and observations.

V. CONSIDERATION OF COPIES OF PETITIONS, COPIES OF REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION

294. Under article 15 of the Convention, the Committee is empowered to consider copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, transmitted to it by the competent bodies of the United Nations, and to submit to them and to the General Assembly its expressions of opinion and recommendations relating to the principles and objectives of the Convention in these Territories.

295. In 1991, the Committee drew the attention of the General Assembly and the relevant United Nations bodies to the following further observations:

> "The Committee once again finds it impossible to fulfil its functions under article 15, paragraph 2 (a) of the Convention, due to the total absence of any copies of petitions as provided therein. Furthermore, the Committee found that there was no valid information concerning legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention and, therefore, reiterates its request that it be furnished with the material expressly referred to in article 15 of the Convention so that it will be able to fulfil its functions." 7/

296. At its forty-first session, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples continued to follow the work of the Committee on the Elimination of Racial Discrimination. The Special Committee also continued to monitor related developments in the Territories, having regard to the relevant provisions of article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination. 8/

297. As a result of earlier decisions of the Trusteeship Council and the Special Committee, the Secretary-General transmitted to the Committee at its forty-first session the documents listed in annex V to the present report.

298. Owing to the limitation of the time available at its forty-first session, the Committee took no further action in respect of this item of its agenda.

VI. SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

299. The Committee considered this item at its 950th, 953rd and 954th meetings, held on 11, 12 and 13 August 1992.

300. For the consideration of the item, the Committee had before it the following documents:

(a) General Assembly resolution 46/85 and Commission on Human Rights resolution 1992/8 on the Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination;

(b) Report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1992/39);

(c) The report of the Meeting of Experts held at Nuuk, Greenland (E/CN.4/1992/42 and Add.1);

(d) Draft model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination.

Draft model legislation

301. The draft of a model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination was considered by the Committee at its fortieth session. At that time, members stated that the draft should have distinguished legislative provisions from guidelines and other suggested measures. In the view of some members, the draft sought to enforce the prohibition of racial discrimination primarily through the Penal Code, whereas some kinds of protection could be better achieved through incentives, training and education.

302. Owing to the cancellation of the spring session of the Committee, no work had been carried out on the draft for nearly a year. The curtailment of the Committee's 1992 summer session to two weeks left insufficient time for the proper consideration of the project.

303. Members of the Committee reiterated at the forty-first session that part III B of the draft, dealing with recourse procedures, should have differentiated settings more clearly between different forms of racial discrimination and between the different settings in which it occurs. For example, racial abuse or incitement to racial hatred were defined in many States as offences against public order and should be dealt with in the same way as other offences so defined. Since they required an immediate response, it was not appropriate for them to be reported to any independent national authority against racial discrimination as envisaged in part III C, paragraph 2, of the draft.

304. The Committee decided to request the Centre for Human Rights to revise the 1991 draft in the light of comments made by members at the fortieth and forty-first sessions of the Committee and to present the revised draft to the Committee at its forty-second session for its further consideration at that time.

305. At the 950th meeting of its fortieth session, the Committee appointed a Working Group, with representation from all regional groups, which hoped to consider: the proper scope of criminal law in combating racial discrimination and the appropriate model legislation; the compatibility of some of the provisions of the draft law with general principles of criminal law; and the scope of other branches of law (administrative, civil, constitutional, labour, etc.) with due regard to differences between the principal legal systems, and the appropriate legislation, together with supporting guidelines and other measures to ensure that legal remedies are effective in reducing discrimination. The Working Group decided to begin by focusing on model legislation for implementing article 4 of the Convention, in view of the reluctance of many States to follow the Committee's recommendations in this area and the complexity of the legal issues involved.

Third decade

306. At its fortieth session, one Committee member, Mr. Banton, presented a paper containing a number of suggestions concerning a possible third decade to combat racism and racial discrimination. The paper was welcomed by members of the Committee and views were exchanged on a number of points raised therein. At that time, the Committee requested Mr. Banton to revise his paper in light of the views expressed during the discussion, in order that the paper could be reconsidered at the Committee's next session. At the 953rd meeting of its forty-first session, the Committee was presented with a revision of the paper. The Committee expressed its appreciation to Mr. Banton for the constructive suggestions contained in his paper and requested the Secretariat to bring Mr. Banton's paper to the attention of the United Nations bodies concerned with the question of a third decade.

VII. DECISIONS ADOPTED BY THE COMMITTEE AT ITS FORTY-FIRST SESSION

1 (XXXI). Further information requested from the Government of Burundi

In view of recent reports of ethnic conflict in Burundi, and in accordance with rule 65 of its rules of procedure relating to the provisions of article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination requests further information by 1 March 1993 from the Government of Burundi on that conflict and on its implications for the implementation of the Convention, in particular the provisions of article 5 (b) in Burundi.

952nd meeting
12 August 1992

2 (XXXI). Further information from the Government of Rwanda

In view of recent reports of ethnic conflict in Rwanda, and in accordance with rule 65 of its rules of procedure relating to the provisions of article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination requests further information by 1 March 1993 from the Government of Rwanda on that conflict and on its implications for the implementation of the Convention, in particular the provisions of article 5 (b) in Rwanda.

952nd meeting
12 August 1992

Notes

1/ See Official Records of the International Convention on the Elmination of All Forms of Racial Discrimination, Fourteenth Meeting of States Parties, Decisions (CERD/SP/45).

2/ Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18 (A/8718), chap. IX, sect. B.

3/ The United Nations Council for Namibia acceded to the International Convention on the Elimination of All Forms of Racial Discrimination on behalf of Namibia on 11 November 1982. The second and third periodic reports due in 1985 and 1987, respectively, submitted in one document (CERD/C/153/Add.1) by the United Nations Council for Namibia, are pending consideration by the Committee. The fourth periodic report which was due on 11 December 1989 has not yet been received.

4/ Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 27 (A/8027), annex III, sect. A.

Notes (continued)

5/ Official Records of the General Assembly, Forty-third Session, Supplement No. 18 (A/43/18), annex IV.

6/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 18 (A/46/18), annex VIII.

7/ Ibid., para. 422.

8/ See A/46/23 (Part I), paras. 102, 110 and 111.

ANNEX I

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination (132), as at 14 August 1992

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Afghanistan	6 July 1983 a/	5 August 1983
Algeria	14 February 1972	15 March 1972
Antigua and Barbuda	25 October 1988 b/	25 October 1988 b/
Argentina	2 October 1968	4 January 1969
Australia	30 September 1975	30 October 1975
Austria	9 May 1972	8 June 1972
Bahamas	5 August 1975 b/	5 August 1975 b/
Bahrain	27 March 1990 a/	26 April 1990
Bangladesh	11 June 1979 a/	11 July 1979
Barbados	8 November 1972 a/	8 December 1972
Belarus	8 April 1969	8 May 1969
Belgium	7 August 1975	6 September 1975
Bolivia	22 September 1970	22 October 1970
Botswana	20 February 1974 a/	22 March 1974
Brazil	27 March 1968	4 January 1969
Bulgaria	8 August 1966	4 January 1969
Burkina Faso	18 July 1974 a/	17 August 1974
Burundi	27 October 1977	26 November 1977
Cambodia	28 November 1983	28 December 1983
Cameroon	24 June 1971	24 July 1971
Canada	14 October 1970	15 November 1970
Cape Verde	3 October 1979 a/	2 November 1979
Central African Republic	16 March 1971	15 April 1971
Chad	17 August 1977 a/	16 September 1977
Chile	20 October 1971	19 November 1971
China	29 December 1981 a/	28 January 1982
Colombia	2 September 1981	2 October 1981
Congo	11 July 1988 a/	10 August 1988
Costa Rica	16 January 1967	4 January 1969

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Côte d'Ivoire	4 January 1973 a/	3 February 1973
Cuba	15 February 1972	16 March 1972
Cyprus	21 April 1967	4 January 1969
Czech and Slovak Federal Republic	29 December 1966	4 January 1969
Denmark	9 December 1971	8 January 1972
Dominican Republic	25 May 1983 a/	24 June 1983
Ecuador	22 September 1966 a/	4 January 1969
Egypt	1 May 1967	4 January 1969
El Salvador	30 November 1979 a/	30 December 1979
Estonia	21 October 1991 a/	20 November 1991
Ethiopia	23 June 1976 a/	23 July 1976
Fiji	11 January 1973 b/	11 January 1973 b/
Finland	14 July 1970	13 August 1970
France	28 July 1971 a/	27 August 1971
Gabon	29 February 1980	30 March 1980
Gambia	29 December 1978 a/	28 January 1979
Germany	16 May 1969	15 June 1969
Ghana	8 September 1966	4 January 1969
Greece	18 June 1970	18 July 1970
Guatemala	18 January 1983	17 February 1983
Guinea	14 March 1977	13 April 1977
Guyana	15 February 1977	17 March 1977
Haiti	19 December 1972	18 January 1973
Holy See	1 May 1969	31 May 1969
Hungary	1 May 1967	4 January 1969
Iceland	13 March 1967	4 January 1969
India	3 December 1968	4 January 1969
Iran (Islamic Republic of)	29 August 1968	4 January 1969
Iraq	14 January 1970	13 February 1970
Israel	3 January 1979	2 February 1979
Italy	5 January 1976	4 February 1976
Jamaica	4 June 1971	4 July 1971

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Jordan	30 May 1974 a/	29 June 1974
Kuwait	15 October 1968 a/	4 January 1969
Lao People's Democratic Republic	22 February 1974 a/	24 March 1974
Latvia	14 April 1992 a/	14 May 1992
Lebanon	12 November 1971 a/	12 December 1971
Lesotho	4 November 1971 a/	4 December 1971
Liberia	5 November 1976 a/	5 December 1976
Libyan Arab Jamahiriya	3 July 1968 a/	4 January 1969
Luxembourg	1 May 1978	31 May 1978
Madagascar	7 February 1969	9 March 1969
Maldives	24 April 1984 a/	24 May 1984
Mali	16 July 1974 a/	15 August 1974
Malta	27 May 1971	26 June 1971
Mauritania	13 December 1988	12 January 1989
Mauritius	30 May 1972 a/	29 June 1972
Mexico	20 February 1975	22 March 1975
Mongolia	6 August 1969	5 September 1969
Morocco	18 December 1970	17 January 1971
Mozambique	18 April 1983 a/	18 May 1983
Namibia	11 November 1982 a/	11 December 1982
Nepal	30 January 1971 a/	1 March 1971
Netherlands	10 December 1971	9 January 1972
New Zealand	22 November 1972	22 December 1972
Nicaragua	15 February 1978 a/	17 March 1978
Niger	27 April 1967	4 January 1969
Nigeria	16 October 1967 a/	4 January 1969
Norway	6 August 1970	5 September 1970
Pakistan	21 September 1966	4 January 1969
Panama	16 August 1967	4 January 1969
Papua New Guinea	27 January 1982 a/	26 February 1982
Peru	29 September 1971	29 October 1971
Philippines	15 September 1967	4 January 1969

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Poland	5 December 1968	4 January 1969
Portugal	24 August 1982 a/	23 September 1982
Qatar	22 July 1976 a/	21 August 1976
Republic of Korea	5 December 1978 a/	4 January 1979
Romania	15 September 1970 a/	15 October 1970
Russian Federation	4 February 1969	6 March 1969
Rwanda	16 April 1975 a/	16 May 1975
Saint Lucia	14 February 1990 b/	14 February 1990 b/
Saint Vincent and the Grenadines	9 November 1981 a/	9 December 1981
Senegal	19 April 1972	19 May 1972
Seychelles	7 March 1978 a/	6 April 1978
Sierra Leone	2 August 1967	4 January 1969
Slovenia	6 July 1992 b/	6 July 1992
Solomon Islands	17 March 1982 b/	17 March 1982 b/
Somalia	26 August 1975	25 September 1975
Spain	13 September 1968 a/	4 January 1969
Sri Lanka	18 February 1982 a/	20 March 1982
Sudan	21 March 1977 a/	20 April 1977
Suriname	15 March 1984 b/	15 March 1984 b/
Swaziland	7 April 1969 a/	7 May 1969
Sweden	6 December 1971	5 January 1972
Syrian Arab Republic	21 April 1969 a/	21 May 1969
Togo	1 September 1972 a/	1 October 1972
Tonga	16 February 1972 a/	17 March 1972
Trinidad and Tobago	4 October 1973	3 November 1973
Tunisia	13 January 1967	4 January 1969
Uganda	21 November 1980 a/	21 December 1980
Ukraine	7 March 1969	6 April 1969
United Arab Emirates	20 June 1974 a/	20 July 1974
United Kingdom of Great Britain and Northern Ireland	7 March 1969	6 April 1969
United Republic of Tanzania	27 October 1972 a/	26 November 1972
Uruguay	30 August 1968	4 January 1969

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Venezuela	10 October 1967	4 January 1969
Viet Nam	9 June 1982 a/	9 July 1982
Yemen	18 October 1972 a/	17 November 1972
Yugoslavia	2 October 1967	4 January 1969
Zaire	21 April 1976 a/	21 May 1976
Zambia	4 February 1972	5 March 1972
Zimbabwe	13 May 1991 a/	12 June 1991

B. States parties that have made the declaration under article 14, paragraph 1, of the Convention

State party	Date of deposit of the declaration	Effective date
Algeria	12 September 1989	12 September 1989
Costa Rica	8 January 1974	8 January 1974
Denmark	11 October 1985	11 October 1985
Ecuador	18 March 1977	18 March 1977
France	16 August 1982	16 August 1982
Hungary	13 September 1990	13 September 1990
Iceland	10 August 1981	10 August 1981
Italy	5 May 1978	5 May 1978
Netherlands	10 December 1971	9 January 1972
Norway	23 January 1976	23 January 1976
Peru	27 November 1984	27 November 1984
Russian Federation	1 October 1991	1 October 1991
Senegal	3 December 1982	3 December 1982
Sweden	6 December 1971	5 January 1972
Ukraine	28 July 1992	28 July 1992
Uruguay	11 September 1972	11 September 1972

Notes

a/ Accession.

b/ Date of receipt of notification of succession.

ANNEX II

Agenda of the forty-first session

1. Opening of the session by the representative of the Secretary-General.

2. Solemn declaration by the newly elected members of the Committee under rule 14 of the rules of procedure.

3. Election of officers.

4. Adoption of the agenda.

5. Action by the General Assembly at its forty-sixth session:

   (a) Annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention (General Assembly resolution 46/83);

   (b) Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (General Assembly resolution 46/111).

6. Submission of reports by States parties under article 9, paragraph 1, of the Convention.

7. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.

8. Consideration of communications under article 14 of the Convention.

9. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention.

10. Second Decade to Combat Racism and Racial Discrimination.

11. Preparatory activities relating to the World Conference on Human Rights.

12. Report of the Committee to the General Assembly at its forty-seventh session under article 9, paragraph 2, of the Convention.

ANNEX III

Country rapporteurs for reports considered by the Committee at its forty-first session

Reports considered by the Committee	Country rapporteur
BELGIUM Fifth, sixth, seventh and eighth periodic reports submitted in one document (CERD/C/194/Add.3)	Mr. Ferrero Costa
GHANA Tenth and eleventh periodic reports submitted in one document (CERD/C/197/Add.7)	Mr. Lechuga Hevia
COSTA RICA Tenth and eleventh periodic reports submitted in one document (CERD/C/197/Add.8)	Mr. de Gouttes
GREECE Eighth, ninth, tenth and eleventh periodic reports submitted in one document (CERD/C/210/Add.1)	Mr. Wolfrum
BANGLADESH Fifth and sixth periodic reports submitted in one document (CERD/C/192/Add.3)	Mr. Yutzis
MALDIVES Third and fourth periodic reports submitted in one document (CERD/C/203/Add.1)	Mrs. Sadiq Ali
COLOMBIA Fifth periodic report (CERD/C/191/Add.1)	Mr. Wolfrum
CHILE Ninth and tenth periodic reports submitted in one document (CERD/C/196/Add.1)	Mrs. Sadiq Ali
YEMEN Ninth and tenth periodic reports submitted in one document (CERD/C/209/Add.2)	Mrs. Sadiq Ali
AUSTRIA Ninth and tenth periodic reports submitted in one document (CERD/C/209/Add.3)	Mr. Banton
SOMALIA Second, third and fourth periodic reports submitted in one document (CERD/C/88/Add.6)	Mr. Aboul-Nasr

Reports considered by the Committee	Country rapporteur
CAPE VERDE Second periodic report (CERD/C/86/Add.4)	Mr. Lamptey
LESOTHO Sixth periodic report (CERD/C/90/Add.2)	Mr. Ahmadu
SAINT VINCENT AND THE GRENADINES Initial report (CERD/C/85/Add.1)	Mr. Banton
PAPUA NEW GUINEA Initial report (CERD/C/101/Add.4)	Mr. Wolfrum
SOLOMON ISLANDS Initial report (CERD/C/101/Add.1)	Mr. Lechuga Hevia
BOTSWANA Third, fourth and fifth periodic reports submitted in one document (CERD/C/105/Add.1)	Mr. Banton
LAO PEOPLE'S DEMOCRATIC REPUBLIC Third, fourth and fifth periodic reports submitted in one document (CERD/C/105/Add.4)	Mr. de Gouttes
VIET NAM Initial report (CERD/C/101/Add.5)	Mr. de Gouttes
BURKINA FASO Fourth and fifth periodic reports submitted in one document (CERD/C/105/Add.5)	Mr. Ahmadu

ANNEX IV

List of documents issued for the forty-first session of the Committee

CERD/C/70/Rev.2	General guidelines regarding the form and contents of reports to be submitted by States parties under article 9, paragraph 1, of the Convention
CERD/C/167/Add.3	Fifth periodic report of Bangladesh
CERD/C/171/Add.3	Ninth periodic report of Chile
CERD/C/172/Add.24	Tenth periodic report of Poland
CERD/C/178/Add.1	Third periodic report of Maldives
CERD/C/184/Add.7	Ninth periodic report of Yemen
CERD/C/184/Add.8	Ninth periodic report of Austria
CERD/C/184/Add.9	Ninth periodic report of Algeria
CERD/C/191/Add.1	Fifth periodic report of Colombia
CERD/C/192/Add.3	Sixth periodic report of Bangladesh
CERD/C/194/Add.3	Eighth periodic report of Belgium
CERD/C/196/Add.1	Tenth periodic report of Chile
CERD/C/197/Add.9	Eleventh periodic report of Ecuador
CERD/C/197/Add.10	Eleventh periodic report of Poland
CERD/C/203/Add.1	Fourth periodic report of Maldives
CERD/C/209/Add.2	Tenth periodic report of Yemen
CERD/C/209/Add.3	Tenth periodic report of Austria
CERD/C/209/Add.4	Tenth periodic report of Algeria
CERD/C/217	Initial reports of States parties due in 1992
CERD/C/218	Second periodic reports of States parties due in 1992
CERD/C/219	Fifth periodic reports of States parties due in 1992

CERD/C/220	Sixth periodic reports of States parties due in 1992
CERD/C/221	Seventh periodic reports of States parties due in 1992
CERD/C/221/Add.1	Seventh periodic report of Republic of Korea
CERD/C/222	Eighth periodic reports of States parties due in 1992
CERD/C/223	Ninth periodic reports of States parties due in 1992
CERD/C/224	Tenth periodic reports of States parties due in 1992
CERD/C/225	Eleventh periodic reports of States parties due in 1992
CERD/C/226	Twelfth periodic reports of States parties due in 1992
CERD/C/226/Add.1	Twelfth periodic report of Ecuador
CERD/C/226/Add.2	Twelfth periodic report of Poland
CERD/C/226/Add.3	Twelfth periodic report of Ukraine
CERD/C/227	Provisional agenda and annotations of the forty-first session of the Committee on the Elimination of Racial Discrimination
CERD/C/228	Submission of reports by States parties in accordance with article 9 of the Convention: note by the Secretary-General
CERD/C/229	Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other Territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention: note by the Secretary-General
CERD/C/SR.938-956	Summary records of the forty-first session of the Committee

ANNEX V

Documents received by the Committee on the Elimination of Racial Discrimination at its forty-first session, pursuant to decisions of the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in conformity with article 15 of the Convention

The following is a list of the working papers submitted by the Special Committee:

African Territories	Documents
Western Sahara	A/AC.109/1082
Atlantic Ocean and Caribbean Territories, including Gibraltar	
Anguilla	A/AC.109/1106
Bermuda	A/AC.109/1102
British Virgin Islands	A/AC.109/1100
Cayman Islands	A/AC.109/1097
Falkland Islands (Malvinas)	A/AC.109/1084
Gibraltar	A/AC.109/1074 and Corr.1
Saint Helena	A/AC.109/1071 and A/AC.109/1105
Montserrat	A/AC.109/1101
Pacific and Indian Ocean Territories	
East Timor	A/AC.109/1072 and Corr.1 and Add.1
New Caledonia	A/AC.109/1079 and Corr.1
Pitcairn	A/AC.109/1098
Tokelau	A/AC.109/1112

ANNEX VI

Letter addressed by the Chairman of the Committee on the Elimination of Racial Discrimination to the Ministers for Foreign Affairs of Afghanistan, Cambodia, Central African Republic, Chad, Guatemala, Iran (Islamic Republic of), Jamaica, Mozambique, Peru, Sudan, Trinidad and Tobago and Tunisia

Sir,

On behalf of the Committee on the Elimination of Racial Discrimination, I have the honour to refer to the International Covention on the Elimination of All Forms of Racial Discrimination, ratified or acceded to by your country on ..., which requires periodic reports to be submitted every two years (art. 9, para. 1) on the legislative, judicial, administrative or other measures adopted by the States parties to give effect to the provisions of the Convention. The last report of your country was submitted on ..., and discussed at the ... meeting of the Committee on the Elimination of Racial Discrimination, in ...

Delays in reporting by States Parties hamper the Committee in monitoring implementation of the Convention. For this reason, the Committee, at its forty-first session, decided to review implementation of the Convention in your country based upon your last reports and the consideration of them by the Committee. This review will be conducted in accordance with article 9, paragraphs 1 and 2, of the Convention and will form part of the Committee's second session scheduled from 1 to 19 March 1993, at the United Nations Office at Geneva.

The Committee invites Your Excellency's Government to designate its representative(s) to participate in the above-mentioned meeting and to furnish the Committee with subsequent relevant information. Such information may be submitted in writing to the Secretary-General, c/o the Centre for Human Rights, United Nations Office at Geneva, if possible by 15 January 1993.

Accept, Sir, the assurances of my highest consideration.

(Signed) Luis VALENCIA RODRIGUEZ
Chairman
Committee on the Elimination of
Racial Discrimination

ANNEX VII

Letter to the Chairman of the Commission on Human Rights

7 August 1992

Sir,

The Committee on the Elimination of Racial Discrimination has followed with grave concern the developments taking place in former Yugoslavia. It would welcome the convening of the Exceptional Session of the United Nations Commission on Human Rights to examine the situation arising from the massive human rights violations taking place, particularly in Bosnia and Herzegovina, as a result of the policy of "ethnic cleansing" being carried out by Serb militias.

The Committee notes the deep concern expressed by the Security Council at the continuing reports of widespread violations of international humanitarian law and, in particular, reports of the imprisonment and abuse of civilians in camps, prisons and detention centres within the territory of former Yugoslavia and especially in Bosnia and Herzegovina.

These aspects of the tragic situation are of particular concern to the Committee. The Committee would like to join in expressing alarm at the situation and trusts that the Commission on Human Rights would take expeditious and effective measures at its forthcoming Exceptional Session with a view to putting an end to the violations of human rights and human suffering and providing protection for the civilian population. The Committee expresses its readiness to cooperate in this endeavour within the framework of the mandate entrusted to it by the Convention on the Elimination of All Forms of Racial Discrimination.

Accept, Sir, the assurances of my highest consideration.

Yours sincerely,

(Signed) Luis VALENCIA RODRIGUEZ
Chairman
Committee on the Elimination of
Racial Discrimination

Mr. Pál Solt
Chairman
Commission on Human Rights

ANNEX VIII

Country rapporteurs for the forty-second session of the Committee (1993)

Country	Country rapporteur
Ukraine	Mr. Yuri A. Rechetov
Ecuador	Mr. Rüdiger Wolfrum
Republic of Korea	Mr. Song Shuhua
Algeria	Mr. Ion Diaconu
Poland	Mr. Rüdiger Wolfrum
El Salvador	Mr. Rüdiger Wolfrum
Zambia	Mr. George O. Lamptey
Viet Nam	Mr. Régis de Gouttes
Bolivia	Mr. Carlos Lechuga Hevia
Iran (Islamic Republic of)	Mr. Ivan Garvalov
Tunisia	Mr. Ion Diaconu
Guatemala	Mr. Mario Jorge Yutzis
Central African Republic	Mrs. Shanti Sadiq Ali
Sudan	Mrs. Shanti Sadiq Ali
Mozambique	Mrs. Shanti Sadiq Ali
Jamaica	Mr. Hamzat Ahmadu
Afghanistan	Mr. Michael Parker Banton
Chad	Mr. Régis de Gouttes
Peru	Mr. Rüdiger Wolfrum
Trinidad and Tobago	Mr. Carlos Lechuga Hevia
Cambodia	Mr. Mario Jorge Yutzis